

In The Matter Of:

***Raymond Garvin
v.
City of Los Angeles***

Raymond Garvin VOL

March 27, 2019



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SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

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RAYMOND GARVIN,)
)
 Plaintiff,)
) vs.) CASE NO. BC
 694158)
)
 CITY OF LOS ANGELES, and DOES)
 1 through 100, inclusive,)
)
 Defendants.)
 _____)

Deposition of RAYMOND GARVIN, the Plaintiff,
taken at 200 North Main Street, 7th Floor, Los
Angeles, California, commencing at 10:19 A.M.,
on Wednesday, March 27, 2019, before
Jamie L. Apodaca, CSR #10990.

1 APPEARANCES OF COUNSEL:

2 For Plaintiff:

3 SALUTE LAW

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11 For Defendant City of Los Angeles:

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23 Also Present: Kevin Crowley, Videographer

24 Det. Ray Rodriguez, Legal Affairs Division

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WEDNESDAY, MARCH 27, 2019; LOS ANGELES, CALIFORNIA

THE VIDEOGRAPHER: Good morning. We're on the record at 10:18
10:18 A.M. on March 27th, 2019. This is the video recorded 10:18
5 deposition of Raymond Garvin. This deposition is being held 10:18
6 at 200 North Main Street, Los Angeles, California, in the 10:18
7 action entitled Raymond Garvin versus City of Los Angeles, 10:18
8 case number BC694158. The videographer is Kevin Crowley with 10:18
9 Ben Hyatt Certified Deposition Reporters. 10:19
10 Counsel, could you please identify yourselves and 10:19
11 whom you represent, followed by the reporter swearing in the 10:19
12 witness. Thank you. 10:19
13 MR. KONG: Good morning. Dennis Kong, Deputy City 10:19
14 Attorney for the City of Los Angeles, Defendant. 10:19
15 MR. SALUTE: Kevin Salute for Plaintiff Ray Garvin. 10:19
16 10:19
17 RAYMOND GARVIN, 10:19
18 having been first duly sworn, testified as follows: 10:19
19 10:19
20 EXAMINATION 10:19

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21 BY MR. KONG: 10:19

22 Q All right. Good morning, Officer Garvin -- or 10:19

23 Lieutenant Garvin. 10:19

24 A Either one. 10:19

25 Q All right. Good. I'm sure your attorney's probably 10:19
gone through some of these basic instructions with you prior 10:19
to your deposition here today, but I'll cover some basic 10:19
ground rules for today's proceeding. 10:19

First and foremost, you're in a deposition. There's 10:19

5 a court reporter sitting to your left who is transcribing 10:19

6 everything that is being said today. There's also a 10:19

7 videographer who is videotaping your deposition today. The 10:19

8 transcript, the typewritten transcript, will be the official 10:20

9 record for today's proceeding. So because of that, I'm just 10:20

10 going to ask that you speak slowly and clearly for the 10:20

11 record. 10:20

12 A Okay. 10:20

13 Q Also, it's very important and advisable that we do 10:20

14 not talk over one another. I know in everyday, casual 10:20

15 conversation, people oftentimes will finish each other's 10:20

16 sentences, talk over one another, and that's perfectly fine. 10:20

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17 But for today, it's a little different. We're 10:20
18 basically going to -- it's going to be like a tennis match. 10:20
19 Please don't answer until I finish my question, and same 10:20
20 respect, I'm not going to ask my next question until you 10:20
21 finish your answer. Okay? 10:20
22 A Okay. 10:20
23 Q If there's any question I ask which you do not 10:20
24 understand or if you need clarification, just please let me 10:20
25 know. I'll do my best to clarify the question for you. 10:20
 Okay? 10:20
 A Okay. 10:20
 Q Also, feel free to take breaks. All I ask is that 10:20
 if there's a pending question, just provide us with a full 10:20
5 response before taking a break. Okay? 10:20
6 A Okay. 10:20
7 Q I'll do my best to speak slowly and clearly myself. 10:20
8 I tend to talk rather quickly, but if there's any -- as I 10:21
9 said before, if there's any reason why you do not understand 10:21
10 anything I say, just let me know. Okay? 10:21
11 A Yes. 10:21
12 Q Also, if you can -- just as a courtesy to your 10:21

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13 attorney -- after I've asked a question, if you can just 10:21
14 pause just for a brief second to allow your attorney to 10:21
15 interpose an objection. If there is one, please allow him to 10:21
16 do that. Unless he instructs you not to answer a question 10:21
17 for some reason, I'm entitled to get your best testimony. 10:21
18 Okay? 10:21

19 A Okay. 10:21

20 Q Also, I don't want you to speculate or guess with 10:21
21 respect to any questions I ask. I want you to, however, 10:21
22 provide us with your best estimate based on the knowledge 10:21
23 that you have today. All right? 10:21

24 A Yes. 10:21

25 Q So an example of that is I may ask you, for example, 10:21
how long this table is. You may not have a measuring tape to 10:21
measure the exact length, but you can probably eyeball it and 10:21
say, "Yeah. It's probably right around seven feet or so." 10:21
Okay? 10:21

5 I'll be asking you events that occurred some years 10:21
6 ago. You may not remember all the specific days or times 10:21
7 that certain events or conversations took place, but 10:21
8 certainly you can provide us with an estimate of when you 10:22

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9 think -- in what month, what part of the year -- an event 10:22
10 took place. Okay? 10:22
11 A Okay. 10:22
12 Q All right. Is there any reason why you cannot give 10:22
13 your best testimony here today? 10:22
14 A No. 10:22
15 Q Are you taking any medication that you believe could 10:22
16 impair your ability to give your best testimony? 10:22
17 A No. 10:22
18 Q When was the last time you took an -- consumed an 10:22
19 alcoholic beverage? 10:22
20 A Probably a year. I don't drink; so -- 10:22
21 Q Okay. Even better. Did you review any documents in 10:22
22 preparation for your deposition today? 10:22
23 A Yes. 10:22
24 Q And what documents did you review? 10:22
25 A I reviewed the Internal Affairs complaint that was 10:22
adjudicated involving myself as the person who was accused of 10:22
some things. I reviewed my government claim. I reviewed 10:22
notes. That's about it. 10:23
Q Okay. As far as the Internal Affairs complaint that 10:23

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5 you reviewed, who was the complaining party in that 10:23
6 complaint? 10:23

7 A That was Officer Salinas, Officer Franco, and 10:23
8 Officer Sauvao. 10:23

9 THE REPORTER: I'm sorry? 10:23

10 THE WITNESS: Sauvao, S-a-u-v-a-o. 10:23

11 THE REPORTER: Thank you. 10:23

12 BY MR. KONG: 10:23

13 Q Were there any other Internal Affairs investigation 10:23
14 complaint reports or documents you reviewed, aside from that? 10:23

15 A No. 10:23

16 Q Okay. Were there any addenda items that you 10:23
17 reviewed attached to that complaint investigation? 10:23

18 A I don't believe so; I don't believe so. I primarily 10:23
19 looked at the letter of transmittal. I didn't get into the 10:23
20 weeds on looking at it, and it wasn't, like, yesterday that I 10:23
21 looked at it. It's just I -- I had reviewed that prior to 10:24
22 this testimony. 10:24

23 Q And do you know who prepared or drafted that letter 10:24
24 of transmittal? 10:24

25 A I believe it was Captain Meek. She would have been 10:24

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the person responsible for it, or delegated it, but approved it ultimately. 10:24

Q Captain Meek was the person who adjudicated that investigation? 10:24

5 A It's the -- it's the commanding officer's 10:24
6 responsibility to adjudicate complaints within their command. 10:24
7 Sometimes that adjudication gets farmed out to a subordinate 10:24
8 who works with this captain to draft the response and submit 10:24
9 it, and then it gets reviewed up the chain of command. 10:24

10 Q I know -- we'll get into the weeds here in a little 10:24
11 bit, but was Captain Meek ultimately the signing authority on 10:24
12 the adjudication? 10:24

13 MR. SALUTE: If you know. 10:24

14 THE WITNESS: I don't know; I don't know. I don't know 10:24
15 that part. 10:24

16 BY MR. KONG: 10:24

17 Q Were there any other investigations or investigation 10:24
18 reports from Internal Affairs which you reviewed for today's 10:24
19 deposition? 10:25

20 A No. 10:25

21 Q You said earlier also that you had reviewed a 10:25

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22	government claim?	10:25
23	A Yes.	10:25
24	Q Was this a government claim document prepared by	10:25
25	your attorneys?	10:25
	A Yes.	10:25
	Q And was it the law offices of Gregory Smith?	10:25
	A Yes.	10:25
	Q And also Kevin Salute, who is here present today?	10:25
5	A Yes.	10:25
6	Q Okay. Any other documents associated with that	10:25
7	government claim which you reviewed in preparation for your	10:25
8	deposition?	10:25
9	A Not that I recall.	10:25
10	Q And you also said that you reviewed some notes.	10:25
11	A Yes.	10:25
12	Q What notes did you review?	10:25
13	A Notes that I have taken during the process.	10:25
14	Q What process are you speaking about?	10:25
15	A The whole -- the whole situation involving what	10:25
16	ultimately was my claim. I've taken notes along the way of	10:25
17	interactions with people, things that had happened and so	10:25

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18 forth. 10:26

19 Q How far back in time do these notes go? 10:26

20 A The notes go as far back as 2012. It involves more 10:26

21 than just what we're here today to discuss. 10:26

22 Q Are these handwritten notes by you? 10:26

23 A Yes. 10:26

24 Q And did you write these notes, like, on a steno 10:26

25 notepad like the one I'm holding here today, or were they in 10:26

 some sort of journal? 10:26

 A They're in a journal. 10:26

 Q Is it like a day-calendar type of journal? 10:26

 A No. It's a -- just a -- basically lined paper with 10:26

5 a binder. 10:26

6 Q And does your journal document also any events in 10:26

7 your personal life as well, or just work? 10:26

8 A I believe it's all work. 10:26

9 Q Okay. And what was the purpose of you maintaining 10:26

10 this journal? 10:27

11 A The journal started out to be a recordation of 10:27

12 meetings I attended within the department, who was present, 10:27

13 what was discussed so I could track it as a management tool. 10:27

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14 Q And why did you start taking -- or strike that. Why 10:27
15 did you create this journal in 2012? 10:27
16 A To record meetings and -- that I attended and what 10:27
17 was brought up and, you know, what the tasks were to get 10:27
18 done. That's how it started. 10:27
19 Q Do you still maintain that journal? 10:27
20 A No. 10:27
21 Q When was the last time you made an entry in that 10:27
22 journal? 10:27
23 A I believe it was in March of 2017. 10:27
24 Q What was the last entry in that journal, if you 10:27
25 recall? 10:27
A I don't recall the exact last entry in the journal. 10:27
Q Did you share this journal with anyone? 10:27
A No; no. 10:27
Q Have you produced any excerpts or portions of this 10:28
5 journal in this litigation? 10:28
6 A Have I? No, I have not. I have not produced it or 10:28
7 copied my journal or -- 10:28
8 Q Where is this journal located? 10:28
9 A It's in my possession. 10:28

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10 Q Is it at home? 10:28
11 A Well, yes. It's not here in this room, no. 10:28
12 Q No, but is it at home? Is that where you maintain 10:28
13 the journal? 10:28
14 A Yes. That's where all my paperwork is. 10:28
15 Q And how many copies of this journal do you have? 10:28
16 A Just the original. 10:28
17 Q How many pages is this journal, approximately? 10:28
18 A It's one full journal book and then a portion of a 10:28
19 second journal book. 10:28
20 Q So how many pages would you say, estimated? 10:28
21 A I don't know. However many pages are in it. You 10:28
22 know, probably -- well, probably more than 100 pages in the 10:28
23 one book that's complete, and the other one, I'm not sure. I 10:28
24 couldn't tell you. 10:29
25 Q So it's safe to say you have two journal books. One 10:29
is completed; the other is partly completed. 10:29
A Yes. 10:29
Q Okay. And the full book is about 100 pages; 10:29
correct? 10:29
5 A That's -- I'm just estimating. 10:29

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6 Q Right. I get that; I get that. Okay. And have you 10:29
7 typewritten this journal into a computer program or anything 10:29
8 like that, like on a Word document, or is it simply just 10:29
9 maintained in handwritten form? 10:29

10 A It's in handwritten form. 10:29

11 Q All right. Have you talked to anyone in preparation 10:29
12 for today's deposition outside your counsel, either 10:29
13 Mr. Salute or Mr. Smith? 10:29

14 A I have had conversations with other attorneys. 10:29

15 Q In preparation for today's deposition? 10:29

16 A No, no, no. I'm sorry. I probably didn't -- didn't 10:29
17 listen carefully enough. Not for today's deposition, no. 10:29

18 Q Okay. Have you talked to anyone about this 10:29
19 litigation in particular? And, again, I'm only focused on 10:29
20 communications you've had with non-attorneys. 10:30

21 A I was interviewed by Internal Affairs when the claim 10:30
22 for damages was filed, and that's it. 10:30

23 Q And who from Internal Affairs do you recall having 10:30
24 spoken with? 10:30

25 A I don't remember the name of the investigators. 10:30

Q Was it just one individual whom you spoke with from 10:30

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Internal Affairs about this case?

10:30

A I believe there were two that interviewed me. At least one.

10:30

10:30

5 Q Does the name John Jizmejian -- does that sound
6 familiar?

10:30

10:30

7 A Yes.

10:30

8 Q Do you recall the second individual who you may have
9 spoken with, or who may have been present in your meeting
10 with them, with Internal Affairs?

10:30

10:30

10:30

11 A I don't remember his name.

10:30

12 Q Okay. Now, through the course of this deposition,
13 I'm going to ask you some background -- about your
14 background. And I know some of the answers to those
15 questions will probably seem patently obvious, especially
16 given the fact that I work for the City of Los Angeles, your
17 current employer. But I just want to reassure you I'm not
18 asking those questions to annoy or harass you.

10:30

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19 A Okay.

10:30

20 Q It's just simply to establish some foundation and
21 context for the later questions I'm going to ask. Okay?

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22 A Okay. 10:31

23 Q All right. Thanks. Where do you currently work? 10:31

24 A I'm assigned to Southeast Division. 10:31

25 Q And let me be a little bit more specific and clear. 10:31
Who do you work for -- what department for the City of 10:31
Los Angeles? 10:31

 A I work for the Los Angeles Police Department. 10:31

 Q Okay. I know during the course of your deposition, 10:31
5 we're going to be probably using a lot of acronyms. But what 10:31
6 I'm going to try to do my best is we're going to define the 10:31
7 acronyms, and then we'll just use acronyms here on out. 10:31

8 A Okay. 10:31

9 Q Just to make things easier. Okay? So you work 10:31
10 currently for the L.A.P.D., the Los Angeles Police 10:31
11 Department; correct? 10:31

12 A Yes. 10:31

13 Q All right. And when did you first work for the 10:31
14 L.A.P.D.? 10:31

15 A I was hired November 14th, 1988. 10:31

16 Q And can you just give me just a brief summary of 10:31
17 your education and background prior to you joining the 10:31

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18 L.A.P.D. back in 1988. 10:31

19 A Prior to joining the police department, I was a 10:31

20 paramedic. And prior to that, I was an emergency medical 10:32

21 technician. And prior to that, I worked at Domino's Pizza 10:32

22 out of high school. 10:32

23 Q And did you work as a paramedic for the City of 10:32

24 Los Angeles? 10:32

25 A No. 10:32

Q What about as an emergency technician? Did you work 10:32

for the City of L.A.? 10:32

A No. 10:32

Q Were those with -- were either of those positions 10:32

5 with -- with private entities? 10:32

6 A They were both private entities. 10:32

7 Q And what is your current rank and title? 10:32

8 A I am a Lieutenant I, a watch commander. 10:32

9 Q At Southeast? 10:32

10 A Yes. 10:32

11 Q And is that over Patrol? 10:32

12 A Yes. 10:32

13 Q And how long have you been in that role, or that 10:32

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14 position? 10:32

15 A Since approximately a year and a half. It was -- I 10:32
16 don't remember the exact date, but it was -- after I was 10:33
17 downgraded, I was loaned temporarily to an assignment putting 10:33
18 together the Police World Fire Games. And then when that 10:33
19 concluded, I was transferred to Southeast Division. 10:33

20 Q And who is your current, I guess, direct supervisor 10:33
21 whom you report to? 10:33

22 A The Captain I there is Stacey Spell. 10:33

23 Q How do you spell her last name? 10:33

24 A S-p-e-l-l. 10:33

25 Q Is that "Stacy," S-t-a-c-y? 10:33

A I believe it's "e-y", and it's a he. 10:33

Q Oh, it's a he. Okay. And did you have a prior 10:33
captain when you were first assigned to Southeast on that 10:33
transfer? 10:33

5 A The Captain I when I was first transferred there was 10:33
6 Captain Paglialonga, and the Captain III over the entire 10:33
7 division was Captain Pasos. 10:34

8 Q And I'm sorry. How do you spell the first name? 10:34

9 A I would be guessing as much as you are. 10:34

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10 Q Okay. Can you just give me the best spelling that 10:34
11 you can provide. 10:34
12 A P-a-g-l-i-a-l-o-n-g-a, I believe. 10:34
13 Q Okay. We'll try to obtain the spelling of it, and 10:34
14 I'll see if -- 10:34
15 A I think that's it. 10:34
16 Q Okay. Is that a male or female? 10:34
17 A A male. 10:34
18 Q And Captain Stacey Spell -- is he a Captain I? 10:34
19 A Yes. 10:34
20 Q Okay. Was there an interim captain between Captain 10:34
21 Spell and Captain Paglialonga? 10:34
22 A No, not to my knowledge. 10:34
23 Q Okay. And what are some of your current duties as a 10:34
24 watch commander over at Southeast Division? 10:34
25 A A watch commander is a supervisor in charge of a 10:34
patrol watch and oversees all aspects of a watch of police 10:34
officers and sergeants, including field activities, 10:35
administrative tasks, and screening prisoners. It's the full 10:35
gamut. 10:35
5 Q Is there a particular watch which you serve as a 10:35

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6 watch commander? 10:35

7 A I was assigned to the morning watch, the graveyard 10:35
8 shift. 10:35

9 Q And what time frame does the graveyard shift cover? 10:35

10 A 7:00 P.M. to 7:00 A.M. 10:35

11 Q Was that a watch you selected -- graveyard? 10:35

12 A Yes, I believe so, eventually. It was a 10:35
13 conversation between myself and the captains and -- 10:35

14 Q And how many officers do you, on average, supervise 10:35
15 on graveyard watch? Just an estimate's fine. 10:35

16 A Probably around 40 or so. 10:35

17 Q And what's the range of ranks of these officers whom 10:35
18 you supervise? 10:36

19 A They range from probationary officers in their first 10:36
20 assignment all the way to Police Officer II positions, field 10:36
21 training officers, and sergeants. 10:36

22 Q And when did you first become a watch commander for 10:36
23 Southeast Division? 10:36

24 A Again, I'm not sure of the exact date. It was -- it 10:36
25 would -- sometime in probably late 2017 or early 2018. 10:36
Probably later 2017 -- sometime around there, I believe. 10:36

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Q So would you say approximately August, September?
Fall?

A Yeah. I don't know. It was after the Police
Olympics had concluded. We had -- one month after that was
when everybody was transferred back to their assignments.

Q When are the Police Olympics held?

A I don't know. I think -- I would be guessing on the
regularity. This was just something they put me in, when I
was downgraded, to work on.

Q So it was a temporary assignment?

A Yes.

Q All right. And where were you previously assigned
before you went to the Police -- to work the Police Olympics
assignment?

A I was a Lieutenant II plus II, assigned to Emergency
Services Division, Explosive Detection K-9 section -- the
bomb dogs.

Q Okay. Let me just get this out of the way. I'm
going to show you what's marked as Exhibit 1. Here you go
(indicating). Here's your copy.

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22 (Defendant's Exhibit 1 was marked for identification 10:37
23 and is annexed hereto.) 10:37
24 BY MR. KONG: 10:37
25 Q And what I'm showing you marked as Exhibit 1 is an 10:37
amended notice for today's deposition. Did you get a copy of 10:37
this document previously? 10:37
A It looks familiar. I believe so. 10:38
Q Okay. And you're appearing today in response to 10:38
5 this deposition notice which we served on your counsel; 10:38
6 correct? 10:38
7 A Yes. 10:38
8 Q All right. Thanks. You can hand me Exhibit 1 back. 10:38
9 Thank you. Do you know what a TEAMS report is? 10:38
10 A Yes. 10:38
11 Q What is a TEAMS report, based on your understanding 10:38
12 and knowledge, having worked in the L.A.P.D.? 10:38
13 A A TEAMS report is a Training Evaluation And 10:38
14 Management System document that is produced for supervisors 10:38
15 and managers to review various items that are codified of a 10:38
16 person's career to include their work history; work permits; 10:38
17 their discipline history; commendation history; risk 10:38

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18 management information system hits, including civil 10:38
19 litigation; their qualification attempts. And I may be 10:38
20 missing something, but it's a risk-management tool. 10:39
21 Q Okay. Is it safe to say that a TEAMS report 10:39
22 provides a good summary of a particular officer's employment 10:39
23 history with the L.A.P.D.? 10:39
24 A Yes. A chronological -- I wouldn't say it's the -- 10:39
25 Yes. My answer is yes. 10:39
Q Okay. I'm going to show you what's marked as 10:39
Exhibit 2. 10:39
(Defendant's Exhibit 2 was marked for identification 10:39
and is annexed hereto.) 10:39
5 BY MR. KONG: 10:39
6 Q And this is a TEAMS report for you. And just real 10:39
7 quickly, in the upper right-hand corner of this TEAMS report, 10:39
8 on the first page -- 10:39
9 A Yes. 10:39
10 Q -- do you see your name? 10:39
11 A Yes. 10:39
12 Q And next to your name, there's a five-digit number, 10:39
13 26378? 10:39

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14	A	Yes.	10:39
15	Q	Is that your serial number with the L.A.P.D.?	10:39
16	A	Yes.	10:39
17	Q	So that would be like your ID number; correct?	10:39
18	A	Yes.	10:40
19	Q	Okay. And it currently shows your rank as being	10:40
20		Lieutenant I. Do you see that?	10:40
21	A	Yes.	10:40
22	Q	And that's accurate; correct?	10:40
23	A	Yes.	10:40
24	Q	And then below that, the very bottom, in that top	10:40
25		box, it says, "Current as of March 26, 2019." I'm just going	10:40
		to let you know that this is the most recent TEAMS report	10:40
		which we have produced of you. Okay?	10:40
	A	Okay.	10:40
	Q	And have you seen a copy of your personal TEAMS	10:40
5		report before?	10:40
6	A	Yeah, I've seen it before.	10:40
7	Q	Okay. Can you just quickly kind of flip through	10:40
8		this 17-page document, and I'll just ask you a couple of	10:40
9		questions.	10:40

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10	A	Go ahead.	10:40
11	Q	All right. Does this document appear to be your	10:40
12		TEAMS report?	10:40
13	A	Yes.	10:40
14	Q	All right. And I'm going to refer your attention to	10:40
15		page 4 of 17. At the very bottom there's a box, or table,	10:41
16		titled "Assignment Rank History Information." Do you see	10:41
17		that?	10:41
18	A	Yes.	10:41
19	Q	And it continues on to the top of page 5 of 17. Do	10:41
20		you see that?	10:41
21	A	Yes.	10:41
22	Q	Can you just take a quick look at that and see if	10:41
23		this accurately reflects your work or assignment history with	10:41
24		the L.A.P.D.	10:41
25	A	Yes. The chronology appears to be accurate, yes.	10:41
	Q	Okay. And I just want to direct your attention to,	10:41
		again, page 4. There's a couple of initials -- or acronyms I	10:41
		want to clarify. Under "Assignment Rank History Information"	10:41
		for the effective date of January 3rd, 2010, it says here	10:41
5		that you were assigned to E.O.D.?	10:42

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6	A	Yes.	10:42
7	Q	What does "E.O.D." stand for?	10:42
8	A	Emergency Operations Division.	10:42
9	Q	And it says here that you were the O.I.C. unit	10:42
10		section?	10:42
11	A	Yes.	10:42
12	Q	You were the O.I.C. of that unit section. It was a	10:42
13		covered assignment; correct?	10:42
14	A	Yes. Officer in Charge.	10:42
15	Q	Just as a brief summary, what does E.O.D. do?	10:42
16	A	Emergency Operations Division is a division that had	10:42
17		different sections with different tasks. One of the sections	10:42
18		-- the one I was in charge of -- was Contract Services	10:42
19		Section. In that section, we had a Permit Unit which	10:42
20		reviewed all special event permits applied for within the	10:42
21		city and all film permitting within the city, and we did film	10:42
22		permit enforcement in the field -- the officers. I also had	10:43
23		the Labor Relations Section unit as part of that section.	10:43
24		And other sections in Emergency Operations	10:43
25		Division -- there was a Pursuit Review Unit that handled	10:43
		pursuits city-wide -- the management; a Traffic Coordination	10:43

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Section that handled traffic on a bureau level for the city; 10:43
and also like an Emergency Management Section that was 10:43
involved in emergency planning and training and things of 10:43
that nature. 10:43

So it was kind of a different group of different 10:43
types of entities put under one umbrella called Emergency 10:43
Operations Division. 10:43

Q I see. So E.O.D. appears to have covered a pretty 10:43
diverse array of different units. 10:43

A Yes. 10:43

Q Okay. Did it have -- did E.O.D. oversee any 10:43
bomb-detection assignments? 10:43

A No. 10:43

Q Okay. Now, going back to your rank history here, on 10:43
page 4 -- just for clarification and for the record -- it 10:43
says here that you became a Lieutenant II as of September 16, 10:44
2007; correct? 10:44

A Yes. 10:44

Q All right. And you became a Lieutenant I back in 10:44
October 16 of 2005; correct? 10:44

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22 A Yes. 10:44

23 Q All right. And then going back up -- and I'm going 10:44

24 out of order here -- but January 1st of 2012, it says here 10:44

25 that you were assigned to E.S.D. as an O.I.C. of Firearms and 10:44

Explosives, another covered assignment. Do you see that? 10:44

 A Yes, I see that. 10:44

 Q Is that accurate? 10:44

 A No. The position description isn't accurate. I was 10:44

5 in charge of the Bomb K-9 Section. 10:44

6 Q All right. I'm going to go into that here in a 10:44

7 little bit. What does E.S.D. stand for? 10:44

8 A E.S.D. stands for Emergency Services Division. 10:44

9 Q And as a brief summary, what does Emergency Services 10:44

10 Division do, based on what you know? 10:44

11 A Emergency Services Division is comprised of the 10:44

12 Hazardous Device and Materials Section, commonly known as the 10:45

13 bomb squad, and the Haz-Mat Unit. It also has a Logistic 10:45

14 Section that handles all the trucks, and then it also had the 10:45

15 Bomb Detection K-9 Section, which was the one I was in charge 10:45

16 of. 10:45

17 Q Now, prior to you joining E.S.D., had you been a 10:45

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18 police canine handler for the L.A.P.D.? 10:45

19 A No. 10:45

20 Q Did you receive any sort of training with regards to 10:45

21 the handling of police canines prior to joining E.S.D.? 10:45

22 A No. 10:45

23 Q Had you worked previously in the bomb squad? 10:45

24 A No. 10:45

25 Q Now, for this position which you got at E.S.D., was 10:45
this something that you had applied for? 10:45

A Yes. 10:45

Q And can you just briefly describe for us what that 10:45
application process involved. 10:45

5 A You -- it involves an application, a 15.88 form. 10:45

6 You attach your TEAMS report, the promotional TEAMS report, 10:45

7 and your last two performance evaluations. You submit those. 10:46

8 You're scheduled for an interview. You go before an 10:46

9 interview panel. Your interview is scored, and the chain of 10:46

10 command makes a decision on who they wish to hire for the 10:46

11 position. And I did all those things and was hired 10:46

12 ultimately for the position. 10:46

13 Q Now, the position which you applied for and was 10:46

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14 interviewed for -- was that position specifically to be the 10:46
15 O.I.C. of the Bomb K-9 Unit? 10:46
16 A That was my understanding, yes. 10:46
17 Q Okay. And what is the official -- strike that. The 10:46
18 official name of the Bomb K-9 Unit is Bomb Detection K-9 10:46
19 Section; correct? 10:46
20 A It's had different titles, but Explosive Detection 10:46
21 K-9 Section is probably the longest description. 10:46
22 Q And so for purposes of our deposition -- I mean, 10:46
23 just for ease of our conversation, if I say, "Bomb K-9," 10:46
24 you'll know what that means; correct? 10:46
25 A Yes. 10:47
Q It will refer to the Explosive Detection K-9 10:47
Section; correct? 10:47
A Yes. 10:47
Q Okay. And then at the time you joined the Bomb K-9 10:47
5 as the O.I.C. on January 1st, 2012, who was the captain over 10:47
6 E.S.D.? 10:47
7 A Captain Thomas McDonald. 10:47
8 Q And at some point, was there a Captain John 10:47
9 Incontro? 10:47

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10	A	Yes.	10:47
11	Q	When did -- as an estimate, when did Captain	10:47
12	Incontro	become captain of E.S.D.?	10:47
13	A	I don't know the exact date.	10:47
14	Q	At some point, though, he did retire; correct?	10:47
15	A	Captain Incontro?	10:47
16	Q	Yes.	10:47
17	A	Yes.	10:47
18	Q	Do you know approximately when that was?	10:47
19	A	I'd be guessing. So, no, I don't -- I don't know	10:47
20		the exact date.	10:47
21	Q	And after Captain Incontro, there was, I believe, a	10:47
22		Captain Solano?	10:48
23	A	Yes. Captain Rolando Solano.	10:48
24	Q	Do you know approximately from what date to what	10:48
25		date he was the captain of E.S.D.?	10:48
	A	Well, he left in I believe around March of 2016, and	10:48
		he was there for about a year -- maybe a little more -- prior	10:48
		to that.	10:48
	Q	So approximately -- what -- early 2015 through March	10:48
5		of 2016?	10:48

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6 A Somewhere -- about a year prior to that. Around 10:48
7 March of 2016. 10:48

8 Q Okay. And after Captain Solano, I believe it was 10:48
9 Captain Kathryn Meek. 10:48

10 A Yes -- 10:48

11 Q And she became a captain over E.S.D.; correct? 10:48

12 A Yes. 10:48

13 Q And all these captains which I've identified -- 10:48
14 Captains Meek, Solano, Incontro, and also whom you identified 10:48
15 as Captain McDonald -- these were captains whom you directly 10:48
16 reported to; correct? 10:48

17 A Yes. 10:48

18 Q All right. So for background -- going back now -- 10:48
19 as the O.I.C. of Bomb K-9, can you give me a brief summary of 10:48
20 the duties and functions of Bomb K-9, what they did? 10:49

21 A The L.A.P.D. Bomb K-9, at the time, participated in 10:49
22 a joint program with the Los Angeles Airport Police 10:49
23 Department and had a joint K-9 Unit. Each agency provided a 10:49
24 lieutenant, two sergeants, and fifteen K-9 handlers into this 10:49
25 joint program which was under the Transportation Safety 10:49
Administration K-9 program, which oversaw -- was the umbrella 10:49

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authority over the K-9 program.

10:49

My role was to be the officer in charge of the K-9 unit. And in that, my duties were to oversee training; procurement of animals; adherence to the rules the T.S.A. had for the program, which are codified in a Statement of Joint Objectives and in an M.O.U. and other various documents.

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I managed -- with the supervisors', you know, delegations, of course -- ensuring we had canine coverage for special events, we had canine coverage for the airport. I participated in crime-control meetings at the airport; meetings with the T.S.A. and airport police; my own chain of command; and, you know, just various other, you know, duties to enhance the unit and keep it operational and things of that nature.

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Q And before you became a Lieutenant II of the Bomb K-9 Section, who was the prior lieutenant whom you took over for?

10:50

10:50

10:50

A It was Lieutenant Brian Johnson.

10:50

Q When you arrived at Bomb K-9 as the O.I.C., was Kathryn Meek there?

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22 A No. 10:51

23 Q At some point, was Kathryn Meek a lieutenant in the 10:51

24 Bomb K-9 Unit? 10:51

25 A That is my understanding, that she was -- had that 10:51

same position that I had at Bomb K-9. 10:51

 Q Was that prior to Lieutenant Johnson? 10:51

 A I believe so. 10:51

 Q Did you know Kathryn Meek prior to you becoming the 10:51

5 O.I.C. of the Bomb Canine Section? 10:51

6 A I had met her once at a going-away -- or a luncheon 10:51

7 for an officer, and that's the only time that I recall 10:51

8 meeting her prior to her becoming the captain at the 10:51

9 division. 10:51

10 Q Okay. And I'll cover that here in a bit. Going 10:51

11 back, where was the office -- or did you have an office when 10:51

12 you first got into the Bomb Canine Section as an O.I.C.? 10:51

13 A Yes. 10:51

14 Q Where was your office located? 10:51

15 A Located on Imperial Highway -- I don't know the 10:52

16 exact address -- near the airport, but it was at LAX. 10:52

17 Q And approximately how many officers worked out of 10:52

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18 that office where you were located? 10:52

19 A The Joint K-9 Unit -- that was the K-9 offices. So 10:52
20 the airport lieutenants and sergeants and -- as well as the 10:52
21 L.A.P.D. supervision. That's also a place where the canine 10:52
22 handlers had their roll calls and mail slots. So that's -- 10:52
23 those were the offices that the unit worked out of. 10:52

24 Q And approximately how many employees were there 10:52
25 total? Just L.A.P.D. personnel. 10:52

A Just L.A.P.D. -- with reference to the date when I 10:52
first got there? Total personnel, 19. 10:52

Q And you worked as the O.I.C. of the Bomb K-9 Section 10:52
until approximately -- what -- about July of 2016? I'm 10:52
5 sorry. July of 2018; is that correct? Or '17? 10:53

6 A No. I believe it was March of 2017 where I was 10:53
7 brought in, stripped of my duties, and -- and -- my 10:53
8 supervisory duties and sent away. 10:53

9 Q All right. So just for clarification, then, so you 10:53
10 were the O.I.C. of Bomb K-9 between January, 2012, and 10:53
11 approximately March of 2017; correct? 10:53

12 A Yes. On the TEAMS, it would probably show a little 10:53
13 longer because the TEAMS would only reflect after the 10:53

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14 downgrade and transfer. It was done some months later. But 10:53
15 effectively it was sometime around March. 10:53
16 Q Right. Okay. All right. And then at the time that 10:53
17 -- well, going back, now-Captain Meek -- she's a female 10:53
18 officer; correct? Or female captain? 10:54
19 A Yes. 10:54
20 Q Okay. And you earlier testified that -- that you 10:54
21 met her at some sort of luncheon of another officer? 10:54
22 A Yes. 10:54
23 Q Okay. Prior to that luncheon, had you had an 10:54
24 opportunity to have either seen her or heard about her? 10:54
25 A I don't believe we had ever met prior to that. 10:54
 Q And was this luncheon a luncheon for an officer by 10:54
 the name of Thomas Da-VOR-en? 10:54
 A Tom DAV-oren. 10:54
 Q DAV-oren. 10:54
5 A Yes. 10:54
6 Q And was Tom Davoren one of the officers whom you 10:54
7 supervised at some point in time? 10:54
8 A Yes. 10:54
9 Q Okay. Was this luncheon for him to kind of 10:54

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10 memorialize or celebrate him coming into the unit, the Bomb 10:54
11 K-9? 10:54
12 A No. He was -- my recollection is he was leaving 10:54
13 Bomb K-9 and had obtained a position in the bomb squad. 10:54
14 Q Was he a bomb K-9 handler at that time? 10:55
15 A Yes. 10:55
16 Q And for my edification, what does the bomb squad do, 10:55
17 if you know? 10:55
18 A Bomb squad is responsible for responding to calls 10:55
19 involving suspicious items and to render them safe. That's a 10:55
20 pretty simple explanation. 10:55
21 Q Right. And where is the bomb squad located, or 10:55
22 where do they operate out of? 10:55
23 A They have an office at LAX as well, at a separate 10:55
24 location, and their main facility is on North Main Street at 10:55
25 about Avenue 20. I don't know the exact address, but they 10:55
have a facility. 10:55
Q And just to clarify, is the Bomb K-9 Section -- are 10:55
they part of the bomb squad, or are they completely separate, 10:55
from an organizational perspective? 10:55
5 A When I arrived, separate entities operating 10:55

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6 separately. 10:56

7 Q And then -- so starting in two thousand -- two 10:56
8 thousand and -- let's see here. Hold on a second -- 2016, 10:56
9 did the bomb squad and the Bomb K-9 Section -- did they 10:56
10 somehow merge under E.S.D.? 10:56

11 A No. 10:56

12 Q Were they still separate sections? 10:56

13 A Yes. 10:56

14 Q So you were the O.I.C., the lieutenant, over Bomb 10:56
15 K-9 at that time; correct? 10:56

16 A Yes. 10:56

17 Q Did the bomb squad have a separate lieutenant? 10:56

18 A Yes. 10:56

19 Q Who was that lieutenant at that time? 10:56

20 A Their lieutenant was Richard Smith. 10:56

21 Q So in terms of your supervisory role as the O.I.C., 10:56
22 did you have any supervisory capacity over the bomb squad at 10:56
23 the time? 10:56

24 A Only if I was the acting captain and -- on a 10:56
25 call-out. And under normal hierarchy of, you know, rank, you 10:56
know, a lieutenant outranks a sergeant who outranks a police 10:56

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officer. So, you know, under those -- but, no. I was the
O.I.C. of the K-9 Section.

10:57
10:57

Q And going back, was the luncheon for a -- for
5 Officer Devore -- I'm sorry -- Davoren -- was that
6 approximately right around April of 2013 or so?

10:57
10:57
10:57

7 A I don't remember the date.

10:57

8 Q Do you recall where the luncheon was?

10:57

9 A It was at the Proud Bird restaurant near the
10 airport.

10:57
10:57

11 Q Proud Bird?

10:57

12 A Yes.

10:57

13 Q Is that the one at the end of the runway?

10:57

14 A It's -- yes. With the planes, the fake planes, out
15 by it.

10:57
10:57

16 Q And did you set up that luncheon?

10:57

17 A No.

10:57

18 Q Do you know who did?

10:57

19 A No.

10:57

20 Q And do you know if people were specifically invited
21 out to the luncheon?

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22 A I don't know, but it was "Hey, everyone. Let's get 10:57
23 together for lunch and say goodbye." 10:58
24 Q And do you know approximately how many people showed 10:58
25 up to the luncheon? 10:58
 A My estimate would be about 20 people, maybe. 10:58
 Q And did Captain Meek show up at the luncheon? 10:58
 A Yes. 10:58
 Q And prior to that, you had never physically actually 10:58
5 met her before; correct? 10:58
6 A Not to my recollection, no. 10:58
7 Q Do you know if she had ever -- at that point in 10:58
8 time, do you know if in fact -- well, strike that. Did 10:58
9 someone point out Kathryn Meek to you at the luncheon? 10:58
10 A I don't believe so. She was in uniform and had her 10:58
11 name tag on and had captain bars on. So -- 10:58
12 Q And had you -- aside -- strike that. Did you 10:58
13 actually meet-and-greet with her? 10:58
14 A Yes. Very short. I said, "Hello," and that was 10:58
15 about it, and then one other very brief conversation. 10:58
16 Q And what was that conversation about? 10:58
17 A I had brought the K-9 handler's dog in to him with a 10:59

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18 big bow on the dog and let the handler know that we were 10:59
19 going to retire the dog so he could take it home. And she 10:59
20 turned to me and said, "Oh, that was nice." And that's the 10:59
21 sum total of our conversation that day. 10:59

22 Q During the lunch. 10:59

23 A Yes. 10:59

24 Q And then at some point, did you report -- strike 10:59
25 that. Did you report to Internal Affairs that -- do you 10:59
recall from that lunch that you had observed Captain Meek
acting, I guess, informally with other officers at the lunch? 10:59

A Yes. 10:59

Q All right. Did you use a word "informally" with the 10:59
5 investigator? 10:59

6 A I don't recall what word I used. 10:59

7 Q Do you recall how you described Captain Meek's 10:59
8 conduct with the other officers during that lunch? 10:59

9 A I don't recall my specific words to Internal 10:59
10 Affairs. I could tell you today what my recollection of that 10:59
11 is. 10:59

12 Q Yeah. Can you tell me? 10:59

13 A I sat at one end of the table. She was at the other 10:59

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14 end of a long table, and I had observed her interactions with 11:00
15 some of the K-9 handlers. Very -- "informal" is a good word. 11:00
16 Joking around. 11:00

17 I saw one handler get up -- Officer John Borquez -- 11:00
18 walk over, reach down, and kiss her. And I turned to 11:00
19 Sergeant Mitch Lambdin, who was seated next to me, and asked 11:00
20 if he took note of that, and he had. And that was my 11:00
21 observation of that interaction. 11:00

22 Q Were there any other interactions which you observed 11:00
23 that you took note of? 11:00

24 A That day at that -- at that -- I'm trying to 11:00
25 remember. That -- I believe that's it, as far as my 11:00
recollection, as I sit right here right now. 11:00

Q Now, Borquez -- was he a Police Officer III or a 11:01
Police Officer II? Do you know his rank? 11:01

A Police Officer III plus I or II. He was a canine 11:01
5 handler. 11:01

6 Q All right. So he was a Bomb K-9 handler? 11:01

7 A Yes. 11:01

8 Q So he was one of your subordinates at the time? 11:01

9 A Yes. 11:01

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10 Q And when you say that he kissed Captain Meek, where 11:01
11 exactly did he kiss her? 11:01
12 A On the side of the mouth. 11:01
13 Q Like near the cheek? 11:01
14 A It was right there at the corner of the mouth, 11:01
15 cheek -- you know. I don't know, you know, where he was 11:01
16 aiming, but that's where it landed. 11:01
17 Q Were there other people around who could have seen 11:01
18 this? 11:01
19 A Everybody seated at that table. 11:01
20 Q And do you recall who was seated around the two of 11:01
21 them when this happened? 11:01
22 A Well, Officer Davoren was there. Sergeant Lambdin 11:01
23 was there with myself. I believe Officer Harrington, 11:01
24 Lorraine (phonetic) Harrington, was there. Those I know for 11:01
25 sure. The other ones, I would be -- pretty reasonably sure 11:02
they were there, but it's -- you know, I don't want to -- I 11:02
don't want to give you any type of guessing or anything like 11:02
that. I just want to give you what I know as I remember it 11:02
today. 11:02
5 Q And after you witnessed this and you reported -- or 11:02

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6 you commented to Lambdin about what you just saw, did Lambdin 11:02
7 respond in any way? 11:02

8 A I don't know if it was in response to that, but he 11:02
9 had mentioned something to me that day. 11:02

10 Q Was this after the lunch? 11:02

11 A No. It was during the lunch. 11:02

12 Q And what did he tell you? 11:02

13 A He had told me that Captain Meek was involved in a 11:02
14 relationship with Officer Tom Deluccia. 11:02

15 Q Did he say that Captain Meek was involved in a 11:02
16 relationship with Officer Borquez? 11:02

17 A No. 11:02

18 Q And do you know why Officer Lambdin told you about 11:02
19 Deluccia and Meek? 11:03

20 A I don't recall the sequence of events and how that 11:03
21 conversation came about, but I do remember myself saying to 11:03
22 him and also telling Captain McDonald what I had observed and 11:03
23 having a conversation with him, saying, "How do I compete 11:03
24 with that? I'm trying to run this unit, and I'm never going 11:03
25 to be that friendly with the officers to that level where 11:03
I'm, you know, putting those kind of boundaries down and 11:03

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allowing that type of interaction."

11:03

Q So your expressed concern to Captain McDonald was
how you can compete with Tom Deluccia, whom you believed was
5 in some sort of a relationship with Captain Meek.

11:03

11:03

11:03

6 A No. I was expressing to him that it was my belief
7 that the line between supervisor and officer was not there
8 and that's what I was up against in bringing this unit to a
9 point where -- to be held accountable and to, you know --
10 those lines were not going to be blurred. I don't do that.
11 I don't go out and party with officers and things like that
12 and socialize.

11:03

11:03

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11:04

13 Q Did you have any other knowledge or information at
14 the time that Captain Meek had partied with her -- I guess
15 when she was a lieutenant over at K-9, whether or not she
16 partied with her subordinates?

11:04

11:04

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11:04

17 A At the -- that day? No, I had no other --

11:04

18 Q So aside from Lambdin telling you that he suspected
19 Deluccia and Meek were in a romantic relationship of sorts,
20 was there anything he told you about Deluccia and Meek?

11:04

11:04

11:04

21 A I can't recall any specifics, but that's where that

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22 was first brought to my attention -- that potential -- that 11:04
23 relationship. 11:04

24 Q Now, at the time, did you think this was just office 11:04
25 gossip? 11:04

A No. I didn't have any reason not to believe him. I 11:05
didn't spend a lot of time on it because she wasn't my 11:05
captain and she -- I didn't work for her, and those were 11:05
things -- you know. I didn't go into 20 questions as to, you 11:05
5 know, what dates and times and "What's everything you know?" 11:05

6 Q Did you take any steps or actions to verify anything 11:05
7 Lambdin told you about Captain Meek and Deluccia that day at 11:05
8 the lunch? 11:05

9 A No. 11:05

10 Q Do you recall telling the I.A. investigator that you 11:05
11 believed it was just gossip -- what you heard from Lambdin? 11:05

12 A I don't recall saying that. I could have said that. 11:05
13 That would be in the ballpark. It was him saying that, you 11:05
14 know, her and Deluccia -- the word was "they are together" 11:05
15 and -- or "were together and are still very close." 11:05

16 Q So, again, your concern at the time was that you 11:05
17 could not have, I guess, the sort of intimate relationship 11:06

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18 that Meek and Deluccia -- Meek would have potentially had for 11:06
19 subordinates with respect to subordinates whom you were 11:06
20 supervising at the time. 11:06

21 A No. I -- I did not want an intimate relationship 11:06
22 with my subordinates. It was the opposite of that. I wanted 11:06
23 to make sure that we had established that there was a 11:06
24 management supervisory presence and those lines that had been 11:06
25 potential blurred previously were no longer blurred. 11:06

Q Now, at some point, you said that you reported this 11:06
to Captain McDonald; correct? 11:06

A Yes. 11:06

Q Did you believe that what -- strike that. Let me 11:06
5 back up. Did you report to Captain McDonald anything about 11:06
6 the -- I guess the kiss or peck on the cheek that Borquez 11:06
7 gave Meek at the lunch? 11:07

8 A Yes. 11:07

9 Q And what did Captain McDonald say in response to 11:07
10 that, if anything? 11:07

11 A I don't remember what his response was. 11:07

12 Q From your observation, did it appear that 11:07
13 Captain McDonald took issue with that? 11:07

15	Q	Was your intent in reporting this to Captain	11:07
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17	Captain Meek and Officer Borquez?	11:07
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19 him, and I do remember expressing frustration that -- that 11:07

21 challenge to -- for myself to establish supervision in the 11:07

22 unit. But I had reported what I had seen and what my 11:07

23	concerns were.	11:07
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24	Q	Now, was Captain Meek, at the time, part of E.S.D.?	11:07
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25	A	On that date, no.	11:07
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Q	At the lunch -- did she have any role in E.S.D. at	11:07
---	--	-------

the time? 11:08

A	No.	11:08
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Q Do you know where she was assigned? 11:08

5	A	I do not.	11:08
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6 Q Okay. All you knew at the time was that Captain 11:08

7 Meek was a prior lieutenant over Bomb K-9? 11:08

8 A Right. And she may have been a lieutenant when she 11:08

9 attended that luncheon -- still a lieutenant and not a 11:08

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10 captain. 11:08

11 Q Okay. 11:08

12 A You would have to -- well, we know the dates. But, 11:08

13 anyway, she was not assigned to Emergency Services Division 11:08

14 at that point. 11:08

15 Q Okay. And at the time of this luncheon or 11:08

16 thereabouts, had you gotten feedback from anyone in E.S.D. 11:08

17 that there were some issues between yourself and the 11:08

18 subordinates in terms of your management style or anything 11:08

19 like that? 11:08

20 A At what time? 11:08

21 Q During the time of this lunch, around this time, had 11:08

22 you gotten feedback from anyone at E.S.D. that there were 11:08

23 potential issues between yourself and some of your 11:08

24 subordinates in terms of how you managed them? 11:08

25 A I was never counseled by a supervisor or anybody 11:09

like that, if that's what you're talking about, saying, "Hey. 11:09

These are these issues." All of my ratings were great, and 11:09

everybody said I was doing a fantastic job. 11:09

Q At the time, had you heard any direct comments from 11:09

5 any of your subordinates about how you were managing them? 11:09

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6 A As to that specific time, I don't have a 11:09

7 recollection. But as far as a theme -- 11:09

8 Q What was the theme? 11:09

9 A That I was too by-the-book and that I documented too 11:09

10 much and that my role should be to quash complaints and 11:09

11 handle things more informally. 11:09

12 Q Anything else? 11:09

13 A Handlers had thanked me for doing what I said I 11:10

14 would do when I came in. Because one of the first things I 11:10

15 did when I came in is I got a whiteboard out and I had a unit 11:10

16 meeting, and I said, "Tell me everything if you had a 11:10

17 Christmas list of things that you would want this unit to 11:10

18 achieve as far as equipment and training." 11:10

19 And we did the list, and I had delivered on, I 11:10

20 believe, almost all of that -- better training, more calls to 11:10

21 go on, better quality dogs, new cars, grant funding -- things 11:10

22 of that nature. 11:10

23 So people were appreciative of that, that I had 11:10

24 done -- the comments were that I had done more than any prior 11:10

25 lieutenant had done for them. 11:10

 Q Anything else? 11:10

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A That's about it. 11:10

Q And going back, what evidence or information did you 11:10
have that Meek was involved in any sort of alleged personal 11:10
relationship with Deluccia outside of work? 11:11

A I -- I've already spoken about the conversation with 11:11
Mitch Lambdin. Another officer that had mentioned it at some 11:11
interaction we had was Officer John Long, and Tom Deluccia 11:11
himself told me. 11:11

Q When was this conversation that you had with John 11:11
Long? 11:11

A I don't remember the date. 11:11

Q Was this before or after Captain Meek became 11:11
commanding officer of the Bomb K-9 squad? 11:11

A It was after. 11:11

I'm sorry. I stepped on you. I apologize. 11:11

Q Okay. And then what about Tom Deluccia? When did 11:11
that conversation take place? 11:11

A That took place about a couple of weeks before she 11:11
took command of the division, and that's where I had learned 11:11
she was the new captain of the division. He came and sought 11:11

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22 me out and told me. 11:11

23 Q Did you discuss anything else in the course of that 11:12

24 conversation with Officer Deluccia? 11:12

25 A He had said that -- he told me, "You know Kathy and 11:12
I are very close, don't you?" 11:12

I said, "Yeah, I heard that." 11:12

And he said, "Very close." And he took his index 11:12

and I guess middle finger, crossed them, and then started 11:12

5 taking the upper finger and started moving it up and down, 11:12

6 and he said, "You know we're very close." 11:12

7 And I said, "Yeah, I heard about that." 11:12

8 And then he proceeded to tell me that she hated both 11:12

9 Johns, referring to John Long and John Borquez in the unit -- 11:12

10 that she hated them. She can't stand Officer Hennigan in the 11:12

11 bomb squad, and those are the three names I remember that he 11:12

12 mentioned that she had told him that they better watch out 11:12

13 when she comes there. 11:12

14 And I said, "Well, what about K-9?" And then he 11:12

15 didn't say anything about K-9. 11:13

16 Q How would you describe your working relationship 11:13

17 with Tom Deluccia? 11:13

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18 A Good at times; other times, not as good. When I 11:13
19 would have to hold him accountable for things that he did, he 11:13
20 would complain. And he was a source of a couple of rumors 11:13
21 about me. 11:13

22 Q Now, how long had you supervised him up until the 11:13
23 time that Captain Meek took over E.S.D.? 11:13

24 A I stopped supervising him right when she arrived at 11:13
25 E.S.D. She moved him from under my authority. 11:13

 Q So at that point in time, how long had you been 11:13
supervising Officer Deluccia? 11:13

 A From January, 2012, up until, I guess, March of 11:13
2016. 11:13

5 Q And you said that it was good at times and bad at 11:13
6 times -- correct -- with Officer Deluccia? 11:13

7 A Yes. 11:13

8 Q And I want you to describe for me exactly what the 11:14
9 bad times entailed. 11:14

10 A He -- he had a -- I had to -- he had an incident at 11:14
11 his house with his canine, where he left his canine at the 11:14
12 home instead of kenneling it like he's supposed to, or with 11:14
13 another handler, while he was out of town on military leave. 11:14

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14 And his retired canine that he had at home and his 11:14
15 newly purchased canine -- his wife and child got in there -- 11:14
16 into the canine cage and let the canines mix, and it resulted 11:14
17 in an attack on one dog against the other and almost killed 11:14
18 the other dog, it was mauled so bad, where I had to roll out 11:14
19 with supervision and investigate it and do a report. And I 11:14
20 think ultimately he was written up for it. 11:14

21 He had also, on one specific occasion, approached me 11:14
22 in the office and gave me training orders that he was going 11:14
23 to deploy for training in the military. He's a reservist, 11:15
24 and he gave me the orders. It was -- I think it was like a 11:15
25 week before he was going to deploy out. 11:15

 And I had a conversation with him, saying -- asking 11:15
 him why I was getting these orders a week out when he runs 11:15
 all the training aspects of his battalion that he would tell 11:15
 me about and he knew months in advance. 11:15

5 And it was, like -- I felt -- and after we had 11:15
6 already done our deployment and our deployment was so tight 11:15
7 getting enough canines to work, that I felt this was kind of 11:15
8 a slap in the face -- "I'm doing this on purpose to you." 11:15

9 And he had -- as a result of that interaction, he 11:15

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10 had called the military liaison for the department and said 11:15
11 that I don't support reserve officers and people in the 11:15
12 military, who in turn called Captain McDonald, who -- or 11:15
13 Incontro, I believe, who called me and told me about it. 11:15

14 I said, "That's not" -- "That's the farthest from 11:15
15 the truth." 11:15

16 And then he had spread a rumor that I don't support 11:15
17 the Police Unity Tour, which is a bike tour for fallen 11:16
18 officers that's done in Washington, D.C, during Police Week. 11:16

19 So things like that. Just he was kind of a person 11:16
20 who was always out for himself. And I knew the personality. 11:16
21 We had some good interactions as far as establishing, you 11:16
22 know, some K-9 stuff. But he was someone who was a 11:16
23 supervisory challenge. 11:16

24 Q And do you know what branch of the military service 11:16
25 he was a reservist in? 11:16

A I believe it's the Army or National Guard or one of 11:16
those. 11:16

Q And that particular time that he requested military 11:16
service -- do you know approximately how much time he was 11:16
5 asking to serve? 11:16

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6 A I don't remember if it was a couple of weeks or a 11:16
7 month or -- you know, it was time away. 11:16

8 Q And did you approve that request? 11:16

9 A Yeah. No, he -- 11:16

10 Q And as far as the Police Unity Tour is concerned, 11:16
11 did you at any point ever call it a sham? 11:17

12 A It was an interaction I had with Officer Harrington 11:17
13 and I believe Deluccia was there, and we were discussing 11:17
14 riding and preparing for the ride. And they were going to 11:17
15 Washington, and we were joking in the office. 11:17

16 I don't know if I used the "sham," but -- word 11:17
17 "sham," but I said something to the effect to, like, 11:17
18 Officer Harrington, I believe, or -- I was like "Oh, you're 11:17
19 going on your vacation" or something like that and -- 11:17
20 something to that effect. 11:17

21 But it was an interaction back and forth. It wasn't 11:17
22 anything like "You're doing this, and you're defrauding the 11:17
23 department" or anything official. It was just us talking. 11:17

24 Q So you don't deny the fact that you may have 11:17
25 described the Police Unity Tour as a sham in that 11:17
 conversation with Harrington and Deluccia present; correct? 11:17

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A I don't think I used that word. I don't think I 11:18
used that word, but there was the conversation back and forth 11:18
about, you know, they were going there and -- 11:18

5 Q If the Internal Affairs investigation report reports 11:18
6 that you did, in fact, claim that you used that word "sham," 11:18
7 would you say that the report's incorrect? 11:18

8 MR. SALUTE: Wait, wait, wait, wait. Can you read that 11:18
9 back, because I didn't quite catch what -- 11:18

10 (Record read.) 11:18

11 MR. SALUTE: Wait, wait, wait, wait, wait. 11:18

12 Objection. Vague, ambiguous. I'm not clear as to 11:18
13 what you're asking him. 11:18

14 But if you understand it, you can answer it. 11:18

15 THE WITNESS: I haven't seen the Internal Affairs report 11:18
16 prepared for that; so I can't comment on that. If in my 11:19
17 interview I used that word, if that's -- you know, that's 11:19
18 possible I used that word in the interview. I don't know. I 11:19
19 don't remember. 11:19

20 BY MR. KONG: 11:19

21 Q Going back, Mitchell Lambdin -- at the time of that 11:19

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22 luncheon, what was Officer Lambdin's assignment within the 11:19
23 Bomb K-9 Section, if any? 11:19
24 A He was a Sergeant II, one of the two sergeants 11:19
25 assigned to the unit. 11:19
 Q Of Bomb K-9? 11:19
 A Yes. 11:19
 Q And how long did you supervise Sergeant Lambdin? 11:19
 A From that point up until his retirement -- and I 11:19
5 don't remember when his retirement was -- but probably a 11:19
6 couple of years. 11:19
7 Q Would you consider yourself friends with Sergeant 11:20
8 Lambdin outside of work? 11:20
9 A No. 11:20
10 Q So your relationship with him was strictly related 11:20
11 to your work? 11:20
12 A Yes. 11:20
13 Q Okay. Do you know if Sergeant Lambdin ever 11:20
14 expressed any sort of negativity about now-Captain Meek, 11:20
15 other than the statements about her relationship -- her 11:20
16 purported relationship with Tom Deluccia? 11:20
17 A I believe he had -- my recollection is that he had 11:20

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18 expressed some concerns about her style of talking to people, 11:20
19 abruptness, and kind of -- and isolated him out. He was a 11:20
20 supervisor there, but he felt that he had been isolated out, 11:20
21 and the other supervisor at the time that had since retired 11:20
22 was, like, the go-to sergeant. 11:20

23 So my recollection is he had felt a little displaced 11:20
24 about how he was treated there when she was a lieutenant. 11:20

25 Q So is it safe to say that he didn't like Captain 11:20
Meek at the time? 11:21

A I wouldn't say that. You would have to ask him, but 11:21
I didn't get that impression, that it was, like, a dislike. 11:21
It was, you know, he was expressing concerns. 11:21

5 Q So when Sergeant Lambdin shared with you that he 11:21
6 believed that Meek was involved in some sort of relationship 11:21
7 with Deluccia, did he share anything else about Meek? 11:21

8 A Not that I recall. 11:21

9 Q Now, at some point in time, Meek eventually takes 11:21
10 over as captain over at E.S.D.; correct? 11:21

11 A Yes. 11:21

12 Q I believe -- I think we said the date before, but 11:21
13 I'll say it again just for our foundation here. She came in 11:21

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14 roughly around March of 2016. Does that sound about 11:21

15 accurate? 11:21

16 A Yeah. 11:21

17 Q And at some point, I think you had testified earlier 11:21

18 that you had gained knowledge that she was going to be the 11:21

19 captain. 11:21

20 A Yes. 11:21

21 Q And do you know approximately when that was? 11:21

22 A It was a couple of weeks before she called me on the 11:21

23 phone. She had called me on the phone, like, nine days 11:22

24 before the transfer took effect. But I had learned about her 11:22

25 being assigned as the new captain from Officer Deluccia a 11:22

couple of weeks prior. 11:22

Q Now, did Deluccia seek you out to let you know that 11:22

Meek was coming on board as captain? 11:22

A We were at a training day in a parking lot, and he 11:22

5 walked over. And we started a conversation, and he informed 11:22

6 me that Captain Meek was going to be the new captain of the 11:22

7 division. 11:22

8 Q So when you struck up this conversation with 11:22

9 Deluccia at this training day, were you also discussing with 11:22

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10 him other things? 11:22
11 A Not that I recall. I mean, that conversation, not 11:22
12 that I recall. 11:22
13 Q Was there anyone else that was part of that 11:22
14 conversation? 11:22
15 A No, not that I recall. 11:22
16 Q Now, I'm sorry. Did you have this phone call 11:22
17 conversation with Meek after you talked with Deluccia? 11:23
18 A Yes. 11:23
19 Q And where was this phone call taken by you? 11:23
20 A I believe -- actually, I don't remember. It would 11:23
21 have either been on cell phone or a landline in my office -- 11:23
22 one of the two. I don't remember exactly. 11:23
23 Q Did anyone else take part in this telephone 11:23
24 conversation? 11:23
25 A No. It was just the two people on the phone. 11:23
Q And approximately how long was this telephone 11:23
conversation? 11:23
A I think it was pretty brief. It was mostly I was 11:23
receiving instructions, and there was no -- I wanted to have 11:23
5 a conversation, but I was informed that wasn't going to take 11:23

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6 place. 11:23

7 Q Now, you said you received some instructions. What 11:23
8 were those instructions? 11:23

9 A Maybe "instructions" is a bad word. I received -- 11:23
10 basically she called me, said she was the new captain, and 11:23
11 effective immediately, she was transferring Officer Deluccia 11:24
12 and the City K-9 team that I had developed to the bomb squad 11:24
13 and -- under her command. 11:24

14 And I had tried to talk to her about "Well, can 11:24
15 we" -- you know, "Can we talk about some concerns I have with 11:24
16 that" and how that probably wouldn't be the best based on the 11:24
17 history of these last few years. 11:24

18 And she said, "Nope, nope, nope. This is what's 11:24
19 going on." 11:24

20 And I said, "Well, can we meet about it?" 11:24

21 "Nope, nope, nope," and that was it. It was 11:24
22 pretty -- pretty brief. 11:24

23 Q All right. Just so that we're clear, she informed 11:24
24 you that she was going to transfer the K-9 team to the bomb 11:24
25 squad; correct? 11:24

A Yes. 11:24

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Q Okay. Now, at the time that you supervised the Bomb K-9 Squad, were there different teams of dogs and dog handlers?

5 A In Bomb K-9? 11:24

6 Q Yes. 11:24

7 A Yes. There was the 15 T.S.A. positions. And we 11:24
8 had, at the time, one or two -- I don't know if we had the 11:25
9 full three yet; we might have had the three -- City K-9 teams 11:25
10 that I had developed and received positions for within the 11:25
11 department that we could start a K-9 unit that was not under 11:25
12 the T.S.A. kind of guidelines. It would be more for the City 11:25
13 response as part of a goal I had to get them more involved in 11:25
14 working calls and doing prevention and stuff like that in the 11:25
15 City. 11:25

16 Q I gotcha. So -- because I was a bit confused here. 11:25
17 So under your supervision, there are basically two groups of 11:25
18 dog handlers; correct? 11:25

19 A Yes. 11:25

20 Q The first group of handlers, which involved these 15 11:25
21 -- and I'll define them -- the Transportation, I believe, 11:25

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22 Safety Administration positions? 11:25

23 A Yes. 11:25

24 Q Those were dogs designated for -- is it the airport? 11:25

25 A They're -- they're -- under the T.S.A. program, 11:25
they're designated at LAX, but you are allowed to use them 20 11:25
percent of their time on non-transportation system calls for 11:26
local benefit. So we would use them for Presidential visits, 11:26
bomb-threat calls. 11:26

5 And what we tried to do is develop -- because with 11:26

6 the T.S.A. program, it did not allow you to do much 11:26

7 innovation with canines. So we developed a separate little 11:26

8 unit that allow us to have better enhanced dogs, such as 11:26

9 off-leash capability, which the T.S.A. doesn't allow -- more 11:26

10 out-of-the-box kind of things you can do when you're not 11:26

11 under the regimen of the T.S.A. 11:26

12 Q And was this the other K-9 -- 11:26

13 A Yes. 11:26

14 Q -- group? And how many -- I'm sorry. Correct me if 11:26

15 I'm wrong. You said that you had at least one of three 11:26

16 handlers as part of that group? 11:26

17 A It started as one, and then it maxed out at three. 11:26

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18 I don't -- and so I can't -- I don't remember how many were 11:26
19 there at that specific time when she moved them away, but it 11:26
20 was more than one. So it -- probably all three were there at 11:26
21 that point. 11:26

22 Q Now, is it your testimony that you helped create 11:26
23 that second team of dogs -- non-T.S.A. dog teams? 11:27

24 A Oh, yes. Yes. 11:27

25 Q And when did you help create that, that non-T.S.A. 11:27
team? 11:27

A During the time of Captain McDonald and Captain 11:27
Incontro. It was a battle. We had the 15 positions, and I 11:27
found out from personnel that we had an extra authority, 11:27
5 which is like gold. 11:27

6 And I went to my superiors and said, "Hey. I've 11:27
7 been told we have an extra K-9 position that we can use as a 11:27
8 City dog. Let's fill it if the City's already paying for 11:27
9 it," and it started with that. 11:27

10 And then that handler was Officer Vanessa Kuragi 11:27
11 (phonetic), was the first one. And working with her, we 11:27
12 started getting grant funding through Federal grants, and we 11:27
13 were able to start getting equipment. And we got the 11:27

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14 approval from the Bureau to expand it to three dogs, and it 11:27
15 went from there. 11:27

16 Q Do you have documentation evidencing your role in 11:27
17 helping create this non-T.S.A. team of dog handlers? 11:28

18 A The documentation would be any type of fact sheets 11:28
19 or correspondences that -- that took place, and they would be 11:28
20 in the department's possession. I don't have anything in my 11:28
21 possession. But I will tell you without -- unequivocally, if 11:28
22 I was not involved, that unit would not exist. 11:28

23 Q And but ultimately, were you the one that in fact 11:28
24 created the unit? 11:28

25 A That unit? That particular unit? 11:28

Q Correct. 11:28

A Yes. 11:28

Q Okay. Are you saying -- are you testifying that 11:28
you're the one that authorized the creation of that unit? 11:28

5 A No. Everything I do goes through my superiors -- 11:28
6 you know, pushing my bosses to "Let us do this. Let's get 11:28
7 out there and" -- you know. It took a lot of meetings, a lot 11:28
8 of pushing to get them to approve and getting funding 11:28
9 sources, and things of that nature. 11:28

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10 Q And which supervisor, would you say, or which of 11:28
11 your commanding -- I guess who in your chain of command 11:28
12 approved the creation of this non-T.S.A. team? 11:29

13 A I think the process started initially with Captain 11:29
14 McDonald. But going all the way through Captain Incontro -- 11:29
15 I mean, there was always discussions and meetings about, you 11:29
16 know, what they could do more for the City and my being a 11:29
17 tireless advocate for pushing them out there. So this was 11:29
18 kind of a continuous thing. 11:29

19 Q As far as this non-T.S.A. dog team, where were they 11:29
20 located, or housed? 11:29

21 A In the beginning, they were housed at LAX, and then 11:29
22 the airport did not want them there, made it very clear they 11:29
23 didn't want those there. 11:29

24 Because you would have to look at the relationship 11:29
25 between the airport and L.A.P.D. There was a lot going on 11:29
there with accusations of revenue diversion on behalf of the 11:29
L.A.P.D. And so they saw it as if you're using L.A. -- L.A. 11:30
airport property, a non-T.S.A. dog is a diversion of their 11:30
revenue. 11:30

5 So we housed them at the Bomb K-9 -- at the bomb 11:30

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6 squad offices, but they would come down for roll call with 11:30
7 us. They even maintained a mail slot there. But -- so we 11:30
8 could say they weren't there, we established a desk for them 11:30
9 at the bomb squad facility. 11:30

10 Q All right. To make it a little bit more clear, 11:30
11 then, when you say the airport did not want those non-T.S.A. 11:30
12 dogs and dog teams there, who from the airport was saying 11:30
13 that? 11:30

14 A Their chief. 11:30

15 Q When you say the "chief," you mean the airport 11:30
16 police chief? 11:30

17 A Yes. 11:30

18 Q Okay. And just for context, the airport division of 11:30
19 the City of Los Angeles -- they actually have a separate 11:30
20 police department; correct? 11:30

21 A Yes. 11:30

22 Q There's the L.A.P.D. -- 11:30

23 A Yes. 11:30

24 Q -- which polices the City of Los Angeles. 11:30

25 A Yes. 11:30

Q But Los Angeles World Airports, which is the City 11:30

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entity who operates all the airports within the City of 11:31
Los Angeles -- they maintain and fund their own separate 11:31
police department; correct? 11:31

5 A Yes. 11:31

6 Q And so to be precise, the location where you were 11:31
7 located at as the O.I.C. of the Bomb K-9 Section -- you 11:31
8 oversaw mainly over 15 T.S.A. K-9 handling teams -- K-9 11:31
9 handlers, comprised of both L.A.P.D. K-9 handlers and airport 11:31
10 police K-9 handlers; correct? 11:31

11 A Yes. 11:31

12 Q All right. And for those T.S.A. positions, those 11:31
13 were funded through a Federal grant or some sort of Federal 11:31
14 program; correct? 11:31

15 A Yes. The T.S.A. gives the airport a stipend for 11:31
16 each position that covers some of the cost. It's not a full 11:31
17 recovery. 11:31

18 Q And so how much do they provide in terms of a 11:31
19 stipend? 11:31

20 A At the time, it was, ballpark, around fifty or sixty 11:31
21 thousand dollars per team, per certified K-9 team. They also 11:32

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22 provided free training at their facility in Texas. They 11:32
23 provided the dogs. They provided the annual evaluations free 11:32
24 of charge. They provided a trainer, and they had a field K-9 11:32
25 coordinator that was local who oversaw the program -- kind of 11:32
a -- you know, as layer -- umbrella layers of supervision. 11:32

Q So how long had the non-T.S.A. team worked out of 11:32
the bomb office at the airport? 11:32

A I don't remember how long they had worked. They had 11:32
5 been there before we moved them, you know, out of that 11:32
6 office. It was a while. You know, probably more than a 11:32
7 year. 11:32

8 Q And would you say that they were moved to -- strike 11:32
9 that. Let's back up. Where was the bomb squad located 11:32
10 again? 11:32

11 A At the bomb squad facility on North Main Street and, 11:32
12 like, Avenue 20. 11:32

13 Q Here in downtown Los Angeles; correct? 11:32

14 A Yes. 11:33

15 Q And would you say that that non-T.S.A. team was 11:33
16 moved to the bomb squad -- what -- before Captain Meek 11:33
17 arrived as the captain over E.S.D.? 11:33

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18 A Yes. 11:33

19 Q So physically they were already located at the 11:33

20 downtown location -- I'm going to call it the downtown 11:33

21 location, or downtown office -- before Captain Meek ever 11:33

22 arrived. 11:33

23 A Yes. They were there, and I also had a desk there. 11:33

24 Q You had a desk at the downtown location? 11:33

25 A Yes. 11:33

 Q And in terms of your time around the time that 11:33

 Captain Meek came on board, how much time did you split on 11:33

 average per week between your office out near the airport and 11:33

 your office here in downtown? 11:33

5 A I spent most of my time at the airport. I would 11:33

6 usually start my day at the bomb squad facility. I would try 11:33

7 to check in and say hello to the captain; say hello to Rick 11:33

8 Smith, my counterpart. And then I would proceed -- if I had 11:33

9 any meetings downtown, I would do those, and then I would go 11:34

10 down to the airport. 11:34

11 And then the opposite on the way home. I would 11:34

12 usually end my watch somewhere down there too if anybody was 11:34

13 down there. 11:34

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14 Q So, again, on average approximately how much time 11:34
15 did you split between the two offices in a given week? 11:34

16 A I don't know if I could quantify it for you. Maybe 11:34
17 a couple hours a day, an hour a day or something. You know. 11:34

18 Q So on average, you spent about an hour a day at the 11:34
19 downtown location? 11:34

20 A I would be estimating. 11:34

21 Q Okay. So it's safe to say that a bulk of your 11:34
22 presence and work was done out at the airport location; 11:34
23 correct? 11:34

24 A Yes. 11:34

25 Q And going back, who from the airport specifically 11:34
told you that they didn't want the non-T.S.A. Bomb Detection 11:34
K-9 dogs out at the airport location? 11:34

A Well, I got that information from a variety of 11:35
sources in meetings. I know I had had discussions with 11:35
5 Lieutenant Ed Trahan, who was the lieutenant of the airport 11:35
6 unit at the time; another lieutenant that preceded him, whose 11:35
7 name escapes me as I sit here. 11:35

8 I've been in meetings with the department where at 11:35
9 the time it was discussed with staff-level officers, 11:35

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10 including Arif Alikhan, who at the time was the executive 11:35
11 director of the airport, who is now our PSACP, P-S-A-C-P -- 11:35
12 Constitutional Policing Special -- I don't know the whole 11:35
13 title. But he works with L.A.P.D. now. There was lots of 11:35
14 meetings. 11:35

15 This was an overriding theme. This wasn't like an 11:35
16 isolated thing. There was an overriding theme of meetings 11:35
17 and discussions about things the airport was doing and their 11:35
18 police union were doing to try to push L.A.P.D. out of the 11:35
19 airport. 11:36

20 Q Do you know approximately what year this all took 11:36
21 place, or years? 11:36

22 A As soon as I got there, it was already going on. 11:36
23 And one of the reasons I was told that I was brought in as 11:36
24 the new lieutenant was because I had demonstrated some 11:36
25 proficiency in monetary issues. And one of the big issues 11:36
was the airport alleging that L.A.P.D. was misappropriating 11:36
airport revenue. So one of my first missions was to tackle 11:36
that with audits. And I -- because we -- 11:36

The Congress of the United States had sent an 11:36
5 Inspector General down to audit the L.A.P.D. books on it -- 11:36

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6 it was a big deal; it was in the paper -- and I shepherded us 11:36
7 through that. I did a complete accounting going back six 11:36
8 years, set up systems and controls to prevent -- 11:36

9 And we were able to document any time that I was -- 11:36
10 or anybody was away from the -- anybody who was 11:36
11 airport-funded was away, we documented that time. 11:36

12 And each month we set a spreadsheet so the airport 11:36
13 could set aside that money and could say they were no longer 11:37
14 diverting airport revenue for non-airport uses. And it was a 11:37
15 model that was used throughout the department for any entity 11:37
16 that was funded by the airport, partially or wholly. 11:37

17 Q So when you first arrived, then, as the O.I.C. in 11:37
18 Bomb K-9 back in July of 2012, the non-T.S.A. dogs had 11:37
19 already been transferred over to the downtown location? 11:37

20 A No. It was the -- 11:37
21 Repeat again. In 2012? 11:37

22 Q Yeah. 11:37

23 A No. No, they didn't exist when I first got there. 11:37

24 Q I gotcha; I gotcha. How long after you had arrived 11:37
25 in Bomb K-9 were the non-T.S.A. dogs transferred over to the 11:37
downtown location? 11:37

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A They were transferred the first day Captain Meek took office. And she had called me nine days before to let me know that she was doing it and would not engage in a conversation with me about it. She was telling me.

Q Now, do you know if there was an Inspector General's report regarding the allegations of misappropriation of airport revenue?

A Yes. There were reports. There was newspaper articles about it, news conferences. It was a big deal. And the report that we had prepared -- I know I prepared at least one staff-level report that documented my audit, my methodology, and the recommendations, which were all adopted. We went before the police commission with it, and I testified before the police commission. It was a big deal.

Q When did that investigation conclude?

A I don't know. But it was there well going on when I got there. So this was the better part of a year or so this was going on. It was -- it took a lot of -- a lot of time to deal with that.

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22 Q At some point, did you have a conversation with 11:39
23 Captain Meek about the transfer of the non-T.S.A. bomb dogs 11:39
24 over to the downtown location? 11:39

25 A I had a conversation -- after that first phone call, 11:39
I had, I think, a total of two conversations with her over a 11:39
period of three months. When she first got there, we had a 11:39
meeting. It was just a pleasantries -- "I'm the new 11:39
captain." I don't recall the exact of it. And then our next 11:39
5 meeting was maybe a month later. I mean, I got frozen out. 11:39
6 She didn't meet with me. 11:39

7 But we did have -- I know we had one conversation 11:39
8 where I tried to explain to her -- this is after everything 11:39
9 had taken place and she had moved the dogs -- where I tried 11:39
10 to explain to her why I thought it was a bad idea, and I got 11:39
11 shut down. So -- 11:40

12 Q Well, did Captain Meek actually give you some sort 11:40
13 of reason as to why the dogs were transferred out? 11:40

14 A No, she didn't. 11:40

15 Q She never explained to you that the reason why they 11:40
16 were transferred out is because of the concern that they 11:40
17 didn't want any sort of perception that somehow the 11:40

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18 non-T.S.A. dogs were diverting funds away from the T.S.A. dog 11:40
19 program? 11:40

20 A No. And -- no. And by that point, the systems were 11:40
21 all in place or -- we shared with the airport a monthly 11:40
22 report on all of our deployments and who handled those 11:40
23 deployments so they knew that our non-T.S.A. dogs were taking 11:40
24 the bulk of the calls. All that had all been worked out 11:40
25 prior. 11:40

Q Now, so if there's just -- educate me. So if 11:40
there's some sort of call somewhere else in the city 11:40
regarding a suspected explosive device planted somewhere not 11:40
involving the airport, where does the call go to? Which K-9 11:40
5 team does it go to initially? 11:41

6 A It doesn't go to K-9. If it's a suspicious item, it 11:41
7 goes to the bomb squad, who responds, and when -- that's the 11:41
8 direct answer to your question. 11:41

9 Q Okay. So when the bomb squad gets this call, who at 11:41
10 the bomb squad determines whether or not they may need a 11:41
11 bomb-detection canine to help do the job? 11:41

12 A Now? They don't make that determination. It's 11:41
13 automatic. When I first got there, they would -- it was -- 11:41

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14 canines were not involved in any manner on off-site calls to 11:41
15 search for secondary devices and whatnot. That was another 11:41
16 thing I pushed with the City dogs and the training and the 11:41
17 off-lease, was the ability -- I said, "We need" -- 11:41

18 MR. SALUTE: Please answer his question. 11:41

19 THE WITNESS: So when I first got there, they would make 11:41
20 the determination. By the time I left, the protocols were 11:41
21 those dogs go on all calls. 11:41

22 BY MR. KONG: 11:41

23 Q Okay. So when you say, "they made the 11:41
24 determination," you mean the bomb squad, when they got the 11:42
25 call, they would make the determination whether they needed a 11:42
dog for a particular call? 11:42

A When I first got there. And now the protocol -- 11:42

MR. SALUTE: Just answer his question, please. 11:42

THE WITNESS: They go on all calls. 11:42

5 BY MR. KONG: 11:42

6 Q Okay. So when did it switch to that new protocol? 11:42

7 A It went back and forth. When McDonald was there, it 11:42
8 first started, and then it kind of backed off. So through 11:42
9 all three captains, it was a work in progress over, like, 11:42

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10 three years to get to the point. 11:42

11 Q By the time you left Bomb K-9, had the protocol 11:42
12 changed with respect to whether or not dogs were sent out on 11:42
13 calls? 11:42

14 A The protocol was -- when I left was that the dog 11:42
15 would go on all calls, unless it was so obvious they didn't 11:42
16 need one. 11:42

17 THE REPORTER: Could you just slow down a little bit? 11:42
18 You guys are really taking off. Can you give me your answer 11:42
19 again, please. 11:42

20 THE WITNESS: It was -- the protocol was dogs would go on 11:42
21 all calls unless it was so obvious one wasn't needed, such as 11:42
22 a piece of dynamite pick-up at a front desk of a station or 11:43
23 something like that. 11:43

24 BY MR. KONG: 11:43

25 Q So it's safe to say that when you first got to the 11:43
Bomb K-9 squad, the protocol had been that the bomb squad 11:43
officers or the O.I.C. there would determine whether or not a 11:43
bomb canine would be needed for a particular call. 11:43

A Yes. 11:43

5 Q And that bomb squad O.I.C. was located in the 11:43

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6 downtown office; correct? 11:43

7 A Yes. 11:43

8 Q Would you agree with me, then, that if there was a 11:43
9 particular call that came in on a day to the bomb squad about 11:43
10 a suspicious package or item, that if that person -- the 11:43
11 O.I.C. -- thought a bomb canine would be needed, it would be 11:43
12 far more efficient and time effective to have the handling 11:43
13 team for that housed out of the downtown location? 11:43

14 MR. SALUTE: Objection. Calls for speculation. 11:43
15 Argumentative. 11:43

16 If you can answer it, go ahead. 11:44

17 THE WITNESS: I wouldn't agree with that. 11:44

18 BY MR. KONG: 11:44

19 Q Why not? 11:44

20 A Because the -- most of the training was taking place 11:44
21 down by the airport and in the surrounding areas, and 11:44
22 training is a huge part of their day. And if they're sitting 11:44
23 up at that station, they're going to be decreasing in their 11:44
24 abilities. 11:44

25 And you have to also remember, bomb squad maybe does 11:44
one call a day, and those dogs -- I had the City dogs even 11:44

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patrolling the airport on high visibility to help the 11:44
airport, even though the airport wasn't paying for it. So a 11:44
better use of their time, in my opinion, was down at the 11:44
5 airport. And it was also closer to the Westside, where most 11:44
6 of your bomb calls are generated on the Westside. So -- 11:44
7 And the bomb dogs -- just, I disagree with that 11:44
8 premise that being down -- housed down at the bomb squad 11:44
9 facility is better. 11:44

10 Q Now, are you telling me that there was absolutely no 11:44
11 training happening at the downtown location after the K-9 11:44
12 team transferred over to the downtown office? 11:45

13 A They did training, but I tried to implore the 11:45
14 captain and Rick Smith to make sure the K-9 handlers that 11:45
15 were removed from K-9 maintained the same training standards 11:45
16 that they had been expected to maintain in Bomb K-9, which 11:45
17 didn't happen. 11:45

18 Q You're saying it did not happen after they were 11:45
19 moved to downtown? 11:45

20 A Yes, that's what I'm saying. 11:45

21 Q And what evidence do you have to show that? 11:45

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22 A Look at their records. Look at their daily training 11:45
23 records, the aids they're training on, the explosive training 11:45
24 aids they were working on. It's a pretty -- 11:45

25 One thing about T.S.A., it's a regimented -- it's 11:45
probably the most difficult program in the nation for bomb 11:45
dogs, and that's the standard we maintained for our City 11:45
dogs, even though the T.S.A. didn't certify them. And the 11:45
certification process that they undertook was far, far less 11:45
5 arduous. 11:46

6 Q And at the time that the K-9 team went over to the 11:46
7 downtown location -- I'm talking about the non-T.S.A. team -- 11:46
8 was there a master trainer assigned to that team? 11:46

9 A Of the three -- the City dogs? 11:46

10 Q Yes. 11:46

11 A I don't believe anybody was the designated trainer. 11:46

12 Q And just for clarification again, when you say, 11:46
13 "City dogs," we're talking about those non-T.S.A. dogs; 11:46
14 right? 11:46

15 A Yes. 11:46

16 MR. KONG: All right. Let's go ahead and take a 11:46
17 ten-minute break. 11:46

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18 THE VIDEOGRAPHER: We're off the record. The time is 11:46
19 11:46 A.M. 11:46
20 (Off the record from 11:46 A.M. to 12:26 P.M.)

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AFTERNOON SESSION

THE VIDEOGRAPHER: We're back on the record. The time is 12:26
12:26 P.M. 12:26
5 12:26

6 RAYMOND GARVIN, 12:26
7 having been previously duly sworn, was examined and continued 12:26
8 testifying as follows: 12:26
9 12:26

10 EXAMINATION (Continued) 12:26

11 BY MR. KONG: 12:26

12 Q I want to go back, Lieutenant Garvin, and I want to 12:26
13 revisit the incident that you witnessed at I believe it was 12:26

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14 Officer Davoren's lunch. 12:26
15 Earlier you testified that you saw an Officer 12:26
16 Borquez -- that's B-o-r-q-u-e-z; is that correct? 12:26
17 A Yes. 12:26
18 Q You observed him, I guess, kiss -- at the time I 12:26
19 think she may have been a lieutenant -- Lieutenant Meek 12:26
20 somewhere on the face; correct? 12:26
21 A Yes. 12:26
22 Q Now, can you describe for me exactly the nature of 12:26
23 the kiss. 12:26
24 A Captain Meek was seated. Officer Borquez got up, 12:26
25 walked over, said something -- pleasantries, like maybe I 12:26
think he was leaving. He bent down and kissed her on the 12:26
side of the mouth and face -- right in that area there. 12:27
Q Okay. When you say it's the side of the mouth or 12:27
face, I mean, was it Lieutenant Meek's left or right side of 12:27
5 the face? 12:27
6 A I believe it was her left side of her face. 12:27
7 Q Okay. And did Lieutenant Meek, like, turn to look 12:27
8 at Officer Borquez, or was she seated facing the table? 12:27
9 Exactly what was her body position when Officer Borquez 12:27

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10 leaned in to give her that kiss? 12:27

11 A My recollection is she was seated. He bent down. 12:27

12 She kind of moved her head up, and he made contact with her 12:27

13 face. 12:27

14 Q Okay. And so where were you seated relative to 12:27

15 where they were? 12:27

16 A At the end of the table. 12:27

17 Q Across -- 12:27

18 A Opposite end. 12:27

19 Q Approximately how far from them were you? 12:27

20 A I don't know. Approximately 20 feet, maybe. 12:27

21 Q And would you describe the kiss as, like, a peck on 12:27

22 the cheek? Do you know what I'm talking about? 12:27

23 A Yes. It was like you would -- you know, you would 12:28

24 greet somebody or whatever, if you're allowing that to go 12:28

25 that far. Yes. 12:28

 Q Okay. So it was more of in the form of a greeting 12:28

 between the two individuals. 12:28

 A In this case, I think it was a goodbye, but -- but, 12:28

 yeah, something similar to that. 12:28

5 Q And do you recall if Lieutenant Meek had said 12:28

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6 anything to Officer Borquez at the time? 12:28

7 A No. 12:28

8 Q Okay. Did you take note of anyone who saw that and 12:28
9 acted surprised by what they saw? 12:28

10 A No, nobody acted surprised. 12:28

11 Q And where was Officer -- I'm sorry. Where was 12:28
12 Sergeant Lambdin seated when this happened, if you recall? 12:28

13 A He was seated next to me. 12:28

14 Q Did Sergeant Lambdin ever, like, elbow you and 12:28
15 indicate what he saw? 12:28

16 A No. 12:28

17 Q Did you at any point describe this particular 12:28
18 incident involving Officer Borquez and Lieutenant Meek to -- 12:28
19 to Internal Affairs during the investigation of complaints 12:28
20 you made against Captain Meek? 12:29

21 A In my interview? Is that what you're talking -- 12:29

22 Q Correct. 12:29

23 A I don't remember if that came up or if it didn't 12:29
24 come up on that. 12:29

25 Q I'm going to fast-forward. Do you know an Officer 12:29
Hollenback? 12:29

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A Yes. 12:29

Q How do you know Officer Hollenback? 12:29

A Officer Ara Hollenback -- A-r-a -- was a K-9 handler
5 assigned to Bomb K-9. 12:29

6 Q And do you know approximately when he was first
7 assigned to Bomb K-9? 12:29

8 A I don't know the date. 12:29

9 Q And were you the O.I.C. when he first was assigned
10 to Bomb K-9? 12:29

11 A Yes. 12:29

12 Q If I said he came on board on or around March of
13 2016 or thereabouts, does that sound pretty accurate? 12:29

14 A If his TEAMS report or history says that, I wouldn't
15 argue that. 12:29

16 Q Do you recall if Officer Hollenback came on board
17 right around the time that Captain Meek had taken over
18 E.S.D.? 12:30

19 A If he came on in March, then that would be about the
20 same time. 12:30

21 Q And how did you -- strike that. Did you know 12:30

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22 Officer Hollenback prior to him arriving at Bomb K-9? 12:30
23 A No. 12:30
24 Q Did you interview Officer Hollenback for the Bomb 12:30
25 K-9 position? 12:30
A I believe I was on his interview panel. 12:30
Q For background, before Officer Hollenback was 12:30
assigned to Bomb K-9, had there been a vacancy advertised for 12:30
a Bomb K-9 handler position? 12:30
5 A There would have been if he came in new. There 12:30
6 would have been an advertisement. 12:30
7 Q Did you have some sort of hand in advertising that 12:30
8 position? 12:30
9 A Yes, I would have had a hand in that. 12:30
10 Q What role did you have in that advertisement of that 12:30
11 position? 12:30
12 A I would have pushed my superiors to get it on the 12:30
13 advertisement and completed -- ensured any paperwork that was 12:30
14 needed to advertise it was done and then participated in the 12:31
15 selection process. 12:31
16 Q Did you help draft the actual advertisement for the 12:31
17 job? 12:31

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18 A I don't know if that specific one that he got hired, 12:31
19 but I have in the past. I have participated in that. 12:31
20 Q And prior to Officer Hollenback's interview, had you 12:31
21 spoken to any other police officers or supervisors about 12:31
22 Officer Hollenback as a potential candidate for the position? 12:31
23 A I might have. 12:31
24 Q Where was Officer Hollenback coming from? 12:31
25 A I believe either 77th or Southeast or one of those 12:31
 South Bureau divisions. 12:31
 Q He was a patrol officer at the time he applied for 12:31
 the vacancy? 12:31
 A I believe so. Either that or a senior lead officer. 12:31
5 Q Do you know if he had prior K-9-handling experience 12:31
6 with the L.A.P.D.? 12:31
7 A To my knowledge, he did not. 12:31
8 Q And who else was on the interview panel with you 12:32
9 when you interviewed Officer Hollenback? 12:32
10 A I don't remember. 12:32
11 Q Were there one or two other interviewers with you? 12:32
12 A I don't remember. It's normally three. Could be as 12:32
13 low as two. 12:32

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14 Q Who was a captain at the time that this -- that the 12:32
15 interview for this position took place? 12:32

16 A It would have been most likely Captain Rolando 12:32
17 Solano, if he came over in March, and that would tell me the 12:32
18 interviews were done sometime prior to that and the approval 12:32
19 process gone through. 12:32

20 Q Do you know if Captain Solano took part in that 12:32
21 interview of Hollenback? 12:32

22 A I do not believe he took part. 12:32

23 Q Were there any sergeants who participated in that 12:32
24 interview with you? 12:32

25 A Yes. It would have been myself and two sergeants or 12:32
a supervisory rank. 12:32

Q Do you recall who those sergeants were? 12:32

A I don't remember for Officer Hollenback's. 12:32

Q And my understanding is any time you have a vacancy 12:32
5 for a coveted position -- 12:33

6 Which this was; correct? 12:33

7 A Yes. 12:33

8 Q -- typically you interview the candidates. You rate 12:33
9 them on a rating scale, and those that are rated, quote, 12:33

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10 unquote, as "outstanding" are the ones who are then 12:33
11 considered -- or put into, I guess, the final pool of 12:33
12 candidates to be considered for selection for the coveted 12:33
13 assignment; correct? 12:33

14 A Yes. 12:33

15 Q And in this instance, upon interviewing Hollenback, 12:33
16 how did you rate him? 12:33

17 A If he got the -- 12:33

18 MR. SALUTE: Collectively, or just him? 12:33

19 MR. KONG: Just him. 12:33

20 THE WITNESS: I don't recall what specific rating I gave 12:33
21 him. 12:33

22 BY MR. KONG: 12:33

23 Q But based on the fact that he was eventually 12:33
24 selected for the position, is it safe to assume that he would 12:33
25 have received an "outstanding" rating from the interview pool 12:33
that you participated in? 12:33

A Yes. 12:33

Q Do you know if there were any other candidates who 12:33
also were in the running with Hollenback who had received 12:33
5 this "outstanding" rating based on their interviews? 12:34

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6 A I couldn't tell you specific names, but there 12:34
7 generally are a group that make it to the "outstanding" pool. 12:34
8 Q Do you know who Mark Sauvao is? 12:34
9 A Yes. 12:34
10 Q How do you know Mark Sauvao? 12:34
11 A Mark Sauvao is a K-9 handler in the K-9 unit. 12:34
12 Q Was he a K-9 handler at the time that you came in as 12:34
13 the O.I.C. of the K-9 unit? 12:34
14 A Yes. 12:34
15 Q And do you know approximately how long he had been 12:34
16 there by the time you had arrived as the O.I.C.? 12:34
17 A I don't know. 12:34
18 Q Can you describe for me generally how your working 12:34
19 relationship was like with Officer Sauvao. 12:34
20 A Not much interaction. He usually worked the night 12:34
21 watch. He was a K-9 handler when I first arrived there; so 12:34
22 pleasantries, but not a big -- lot of talk between us. 12:34
23 Q Did he ever initiate a personnel complaint against 12:34
24 you? 12:34
25 A He did. 12:34
 Q And you became the subject of an investigation based 12:35

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on complaints he made about you?

12:35

A Yes.

12:35

Q Do you know what the outcome of that investigation
5 was?

12:35

12:35

A There were -- I would have to refresh my
6 recollection if you have the letter of transmittal, but there
7 was nothing sustained. All the allegations against me were
8 either unfounded, being no misconduct, or not resolved.

12:35

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12:35

Q And do you know who adjudicated that letter of
10 transmittal?

12:35

12:35

A I think earlier I indicated the responsibility lies
12 with the captain, but that was -- could have been delegated.

12:35

12:35

Q So this -- this complaint -- this is the same
14 complaint investigation which you spoke about that
15 involved -- is it an Officer Salinas?

12:35

12:35

12:35

A Yes. I may be combining them here, and maybe
17 there's two -- I think there's two separate ones, but, yeah,
18 it's -- these are all contemporaneous.

12:35

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12:35

Q Now, for the vacancy which Officer Hollenback had
20 interviewed for, did Officer Sauvao at any point recommend
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22 someone who he thought should have been selected for the 12:36
23 position? 12:36
24 A I don't remember if he did or if he didn't. 12:36
25 Q Do you know who ultimately approved Officer 12:36
Hollenback for the position? 12:36
A The ultimate approval would be the Bureau on any 12:36
candidate. 12:36
Q Was it your recommendation to have Hollenback hired 12:36
5 for the position? 12:36
6 A I don't remember if I -- my recollection is he did 12:36
7 well, I liked him, but I don't know if there was someone else 12:36
8 that, you know, I liked better. 12:36
9 Q As the interviewer and the O.I.C. of the unit, were 12:36
10 you looking to bring in someone from the outside, meaning 12:36
11 someone who never had worked within bomb squad or Bomb K-9 to 12:36
12 come in to the unit as a handler? 12:36
13 A I would say no. My preference was the personality 12:36
14 of the person. I believe that police officers can learn that 12:37
15 position because we have sufficient training. I was looking 12:37
16 more towards the individual person, how they would interact 12:37
17 with others in a team environment. 12:37

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18 Q Do you recall having a conversation with Mark Sauvao 12:37
19 about a close friend of Sauvao's whom he wanted hired for the 12:37
20 position? 12:37

21 A If you could tell me the name, maybe that would 12:37
22 spark a recollection. But no. 12:37

23 Q Did Mark Sauvao ever tell you that he was upset at 12:37
24 the fact that his friend was not selected for the position? 12:37

25 A I don't really have a recollection of that. So it 12:37
could have happened; it could not have happened. I don't -- 12:37

Q Now, on or around April, 2016, there was some sort 12:37
of incident that occurred between Officer Hollenback and 12:37
Officer Sauvao; correct? 12:37

5 A In April, yes. 12:38

6 Q And how did you first become aware of that incident 12:38
7 between those two officers? 12:38

8 A I was -- received a phone call from Sergeant Deanna 12:38
9 Stark. 12:38

10 Q Who is Sergeant Deanna Stark? 12:38

11 A She was one of the two K-9 sergeants. 12:38

12 Q And she reported directly to you? 12:38

13 A Yes. 12:38

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14 Q Who was the other sergeant? 12:38
15 A At the time, it was Sergeant Randy Goens. 12:38
16 Q And was there some sort of certification test going 12:38
17 on that involved those officers? 12:38
18 A Yes. 12:38
19 Q Can you describe for us what that test was. 12:38
20 A It was an annual T.S.A. K-9 certification. Each K-9 12:38
21 team in the program has to certify every year. And T.S.A. 12:38
22 flies out the testers, and it takes place over several days 12:38
23 in several of the different environments where they test the 12:38
24 dog's proficiency, and you have to have a 90 percent find 12:38
25 rate on the explosive device to pass. 12:38
Q And at the time, is it safe to say that Officer 12:39
Hollenback -- he'd only been with the Bomb K-9 unit for maybe 12:39
one or two, three months at most? 12:39
A If the time's you're saying, that would be accurate, 12:39
5 if it was April. 12:39
6 Q And did you personally oversee Officer Hollenback's 12:39
7 training with his bomb canine? 12:39
8 A No. 12:39
9 Q Who oversaw his training? 12:39

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10 A That would be the job of the trainer assigned to the 12:39
11 unit and the T.S.A. trainer assigned to the airport and the 12:39
12 field K-9 coordinator. The portions that I would oversee was 12:39
13 just to make sure that the handlers are meeting their 12:39
14 statutory obligation of sniff-minutes -- their minimum 12:39
15 training time and things like that would be a computer 12:39
16 database -- and to go out and watch the training. But the 12:39
17 training was with the trainers themselves. 12:39

18 Q Who was the trainer in the Bomb K-9 unit at the 12:39
19 time? 12:39

20 A At that time, I believe it was Officer Mel Hogg was 12:39
21 one of them. 12:40

22 Q How do you spell his last name? 12:40

23 A H-o-g-g. And I am not sure if Sauvao was a trainer 12:40
24 then yet or not. I think he -- I would be guessing. But Mel 12:40
25 Hogg was a trainer sometime around that time, I believe. 12:40

 Q Now, were you aware that on or around April, 2016, 12:40
 Officer Hollenback was participating in one of these 12:40
 certification tests with his dog? 12:40

 A In April of 2016? 12:40

5 Q Yes. 12:40

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6 A Yes. 12:40

7 Q I'm sorry. What's the official name for this test? 12:40

8 A It's the annual certification or the annual test. I 12:40
9 don't know that there's a formal name. There probably is. 12:40

10 Q And do you know if you assigned anyone from the Bomb 12:40
11 K-9 unit to supervise or oversee the test that Officer 12:40
12 Hollenback was participating in? 12:41

13 A Yes. We had supervisors and myself that watched the 12:41
14 testing as it goes. And we usually have a trainer there, a 12:41
15 canine trainer, from either one or both agencies; and usually 12:41
16 a couple of support people to help set up stuff if we need 12:41
17 them to advance to another area to set up; and then the 12:41
18 T.S.A. itself has people that are there monitoring. 12:41

19 Q Now, were you actually physically present at the 12:41
20 location where Hollenback was taking his test? 12:41

21 A Yes. 12:41

22 Q And was Sergeant Deanna Stark also physically 12:41
23 present? 12:41

24 A I don't know if she was present that day. I believe 12:41
25 it was Sergeant Goens that was there with me. 12:41

Q And where was the test being held that Hollenback 12:41

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did?

12:41

A At the airport.

12:41

Q Where at the airport?

12:41

5 A Well, it's a variety of places. The one that

12:41

6 ultimately came into question was at the remote gates, the

12:41

7 bus terminal, in Tom Bradley. That was where the terminal

12:42

8 portion of the test was. Then there's a vehicle portion and

12:42

9 some other portions at other locations.

12:42

10 Q And were you actually present at those locations

12:42

11 when Hollenback did his test?

12:42

12 A I believe I was. I may not have been at one of them

12:42

13 or something. It's -- usually we have coverage.

12:42

14 Q And do you know if Sergeant Deanna Stark was there

12:42

15 with you?

12:42

16 A I don't have a recollection of her being there. I

12:42

17 do have a recollection of Sergeant Goens.

12:42

18 Q Do you know what the scope or nature of the test

12:42

19 entailed that Hollenback participated in?

12:42

20 A It depends on the training site you're talking

12:42

21 about.

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22 Q I'm talking about the bus terminal at Tom Bradley 12:42
23 which you just spoke about. Do you know what type of test he 12:42
24 was participating in? 12:42

25 A Right. It's an explosive detection test. So it's 12:42
one of the areas. What happens is the T.S.A. goes, they 12:42
sweep the area to make sure it's clear, and then they plant 12:42
-- well, they can plant up to as many explosives as they want 12:43
or none at all in an area. And then they participate by 12:43
5 watching the dogs go through the testing to see if they find 12:43
6 the aids or if they do what's called, basically in layman's 12:43
7 terms, a false response. 12:43

8 And if you -- you are allowed to have no more than 12:43
9 two false responses in any one area that you're tested and no 12:43
10 more than six responses overall in the whole testing cycle. 12:43
11 And you have to find 90 percent of the explosives or you will 12:43
12 fail. So that was that -- a portion of that would be part of 12:43
13 that. 12:43

14 Q And do you know how Officer Hollenback did on the 12:43
15 test initially? 12:43

16 A I believe he passed the terminal. 12:43

17 Q Do you recall receiving a report that Hollenback had 12:43

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18 reported that there was some issues with the dog he was 12:43
19 handling at the time of that test? 12:43

20 A He -- Hollenback first made verbal statements at the 12:43
21 conclusion of his test that something was up with his dog, 12:44
22 that his dog never acts the way it was doing. And then he 12:44
23 subsequently -- I received notification from Sergeant Stark 12:44
24 of what Hollenback had told her. 12:44

25 Q All right. Let's break that apart. When Hollenback 12:44
had said that he thought his dog was acting out of sorts, so 12:44
to speak, did he say that to you? 12:44

A Yes. 12:44

Q Was that immediately after his test concluded? 12:44

5 A Yeah. I believe it was in the terminal, and he was 12:44
6 saying his dog doesn't -- it's called a non-productive 12:44
7 response -- an NPR -- but it's basically a false alert. 12:44

8 He says, "My dog doesn't do this. I don't know 12:44
9 what's going on." 12:44

10 And I sought to calm him and say, "Listen. Calm 12:44
11 down. It's past. Let's get to the next phase of testing, 12:44
12 and we'll sort this out." And then that was really all of it 12:44
13 for that portion of the test. And then I got the phone call, 12:45

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14 I think the next day, or whenever I got the call from 12:45

15 Sergeant Stark. 12:45

16 Q So the next day, you get a phone call from Sergeant 12:45

17 Stark, and what does she report to you? 12:45

18 A She didn't report anything initially. She said, 12:45

19 "Can you come meet me and Officer Hollenback at the remote 12:45

20 gates, the bus terminal there. And it's important and come 12:45

21 right away." And so I did. 12:45

22 Q So when she says, "remote gates" this is -- I 12:45

23 presume that this is the same location where Hollenback had 12:45

24 taken that last test? 12:45

25 A Yes. 12:45

Q This is where he had experienced those nonproductive
responses by his dog. 12:45

A Yes. 12:45

Q And so did you go out to that location? 12:45

5 A Yes. 12:45

6 Q And I presume you met up with Sergeant Stark, who 12:45

7 was at that location; correct? 12:45

8 A Yes. Her and Officer Hollenback. 12:45

9 Q Were they both already out there when you got there? 12:45

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10	A	Yes.	12:45
11	Q	Anyone else out there?	12:45
12	A	No.	12:45
13	Q	And what happened after you met with them at that	12:45
14		location?	12:45
15	A	I showed up, and I was told by Officer Hollenback	12:45
16		that he had gone back and searched the area. And he believed	12:46
17		somebody had tampered with his certification to try to make	12:46
18		him fail the test and -- by planting pieces of a dog KONG	12:46
19		throughout the searchable area that would act to throw his	12:46
20		dog off and make his dog falsely alert.	12:46
21		And Sergeant Stark went into her pocket and pulled	12:46
22		out an envelope with a bunch of pieces of dog KONG inside the	12:46
23		envelope.	12:46
24	Q	And when you say, "a dog KONG," that's K-O-N-G;	12:46
25		correct?	12:46
	A	Yes.	12:46
	Q	And my understanding is that that's some sort of dog	12:46
		toy device used as a training device for these dogs; correct?	12:46
	A	It's the reward the dog receives. So the way the	12:46
5		dogs are trained is their whole life is to receive that	12:46

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6 reward, and they only get it by performing properly. So they 12:46
7 don't play at the house. They're in kennels, and that's 12:46
8 their whole existence, unfortunately, is to get that reward. 12:46

9 Q So you received this information from Deanna Stark 12:47
10 and/or Hollenback? 12:47

11 A Hollenback told me the story, and then Stark 12:47
12 produced the KONG pieces in, like, a Manila envelope. 12:47

13 Q Did -- 12:47

14 A Or her hand, actually. I think she had them in her 12:47
15 hand. 12:47

16 Q Did Sergeant Stark say anything? 12:47

17 A She did. I don't remember -- I mean, this could 12:47
18 have been, you know, both of them talking, but it was relayed 12:47
19 to me what Hollenback's suspicions were. 12:47

20 Q Was there any -- ever any video surveillance or 12:47
21 footage of the testing area? 12:47

22 A Yes. 12:47

23 Q And how did you learn about that? 12:47

24 A I had Stark -- I believe she might have already gone 12:47
25 and did a preliminary run, or I had directed her to. 12:47
But in any event, right around the time, we went 12:47

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over to the airport -- I don't know what it's called, but 12:47
it's the offices where they have all -- access to all the 12:47
surveillance cameras in the airport; had them go back and run 12:47
5 the cameras for that area to see if we could find out what 12:48
6 happened. 12:48
7 Q And was Sergeant Stark successful in getting footage 12:48
8 of that area? 12:48
9 A There was footage obtained. 12:48
10 Q And what did the -- I'm sorry. Did you see the 12:48
11 footage? 12:48
12 A Yes. 12:48
13 Q And how did you see the footage? 12:48
14 A I went to the location where it was on and sat at a 12:48
15 computer terminal and looked at it. 12:48
16 Q And did you look at it with anyone else? 12:48
17 A Sergeant Stark. 12:48
18 Q Was Officer Hollenback there as well? 12:48
19 A I don't believe he was there. 12:48
20 Q Was there anyone else there to observe the footage 12:48
21 with you? 12:48

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22 A Might have been a technician from the airport who 12:48
23 actually was, you know, physically doing whatever mechanics 12:48
24 to do. 12:48

25 Q And what did the footage show? 12:48

 A We found out that for most of the portion where the 12:48
 test was taken, the cameras did not work. The footage showed 12:48
 Officer Sauvao driving up in his City-assigned canine vehicle 12:48
 to the remote gates about -- I don't know -- an hour before 12:48
5 everybody else was reported to be there to start the testing. 12:48

6 It showed him entering the location and take an 12:49
7 escalator down to this little remote area where these KONG 12:49
8 pieces had been found. And the video only showed him going 12:49
9 down the escalator and, I think, going back up and walking 12:49
10 out. But the actual location, the cameras weren't working. 12:49

11 Q I'm sorry. Did the footage show him with the actual 12:49
12 KONG pieces? 12:49

13 A No. These pieces are for, like -- you know, small 12:49
14 pieces. 12:49

15 Q And was there any footage of the actual testing 12:49
16 area? 12:49

17 A Just -- the portion where he came in would have been 12:49

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18 part of the testing area, but the important part where these 12:49
19 KONG pieces were reported to have been found, no cameras were 12:49
20 working down there at the time. 12:49

21 Q So in other words, there was no footage of Officer 12:49
22 Sauvao or any other officer placing these KONG pieces down in 12:49
23 the area where the test occurred. 12:49

24 A That's correct. 12:49

25 Q And upon seeing this footage, what did you do, if 12:49
anything? 12:49

A I recovered the KONG pieces from Sergeant Stark. I 12:49
called Captain Meek, told her what I had been told and that I 12:50
needed to contact Internal Affairs and it was my desire to 12:50
5 search his vehicle, also, to see if the matching KONG pieces 12:50
6 would be in there, because this was early on. 12:50

7 And that's what I did. I contacted Internal Affairs 12:50
8 and ended up going down there and reporting the -- you know, 12:50
9 the preliminary things that we had. 12:50

10 Q And did you in fact do a preliminary search of 12:50
11 Officer Sauvao's vehicle? 12:50

12 A No. That wasn't done until months and months later 12:50
13 by Internal Affairs. 12:50

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14 Q Now, just going back, any time there's any sort of 12:50
15 alleged misconduct by a police officer, it's incumbent or 12:50
16 required of supervisors to report that misconduct up the 12:50
17 chain; correct? 12:51

18 A Yes, you would. 12:51

19 Q And the supervisors can then decide whether or not 12:51
20 the matter needs to be reported to Internal Affairs; correct? 12:51

21 A Yeah. I've had that experience in the past. 12:51

22 Q And so in this particular instance, you had 12:51
23 determined, based on the information you received from both 12:51
24 Officer Hollenback and Sergeant Stark, that maybe Officer 12:51
25 Sauvao had potentially tampered with, possibly, a T.S.A. 12:51
certification test; correct? 12:51

A Hollenback had said it was Sauvao who had done it. 12:51
He was adamant about it, and, you know, I reported it. 12:51

Q Okay. So based on information you got from 12:51
5 Hollenback and based on the information you also got from 12:51
6 Sergeant Stark, the video footage which you also saw, you 12:51
7 then decided, then, you'll report that to Captain Meek; 12:51
8 correct? 12:51

9 A Yes. 12:51

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10 Q And Captain Meek would have been the next supervisor 12:51
11 in the chain of command to whom you would have gone to to 12:51
12 make that report; correct? 12:52

13 A Yes. 12:52

14 Q So in terms of chain of command, I want to make sure 12:52
15 we're clear on this. Officer Hollenback was a K-9 handler in 12:52
16 the Bomb K-9 squad; correct? 12:52

17 A Yes. 12:52

18 Q The person he would have directly reported to would 12:52
19 have been one of the sergeants, either Sergeant Deanna Stark 12:52
20 or Sergeant Randy Goens; correct? 12:52

21 A Or he could have done it to me directly, but yes. 12:52
22 Yes. 12:52

23 Q And then both sergeants, Stark and Goens, would have 12:52
24 then been -- they would have directly reported any issues to 12:52
25 you as the lieutenant or the O.I.C. of the Bomb K-9 squad; 12:52
correct? 12:52

MR. SALUTE: I'm going to object that, number one, it 12:52
calls for speculation, and I don't know if you're saying this 12:52
hypothetically or what, but -- objection. Vague, ambiguous 12:52
5 too. 12:52

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6 But, anyway, if you can answer, go ahead. 12:52

7 THE WITNESS: Can you repeat that again. 12:52

8 BY MR. KONG: 12:52

9 Q Sure. Yeah. Let me just make -- let me just 12:52
10 simplify it. In terms of -- do you know what I mean when I 12:52
11 say, "chain of command?" 12:52

12 A Yes. 12:53

13 Q Okay. What's your definition of what a chain of 12:53
14 command is, based on your work and experience in the 12:53
15 L.A.P.D.? 12:53

16 A It's the hierarchy of rank within the organization. 12:53

17 Q In terms of hierarchy of rank -- specifically at 12:53
18 this time involving Officer Hollenback, you, and Captain 12:53
19 Meek -- the hierarchy of rank would have gone in the 12:53
20 following order; correct? It would have been Officer 12:53
21 Hollenback, either Sergeant Deanna Stark or Sergeant Randy 12:53
22 Goens, then you as the lieutenant, and then Captain Meek; 12:53
23 correct? 12:53

24 A Yes. 12:53

25 Q All right. And so at any point in time, if any one 12:53
of those officers under you -- either Hollenback or any one 12:53

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of the sergeants -- had some suspicion that there was some misconduct by another police officer, they could have reported it directly to you or they could have reported it to anyone above you; correct?

A They could report it to any department supervisor.

Q Okay. In this particular instance where it involved Officer Sauvao and Officer Hollenback at this T.S.A. test, Hollenback apparently had decided to report the issue to Sergeant Stark and also to you; correct?

A Well, I know -- well, alls I can tell you is how I was notified. They called me over; so -- if he went to her or someone else initially, I don't know.

Q But when you say, "they called" you "over," you received a call from Sergeant Stark inviting you to come over to the terminal where this test had occurred the day prior; right?

A I wouldn't use the word "invite." It was more of "You need to come here" --

Q Okay.

A Yes.

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22 Q All right. So you immediately go over there -- and 12:54
23 correct me if I'm wrong -- you then had a conversation or 12:54
24 discussion with both Sergeant Stark and Officer Hollenback 12:54
25 about what they found out regarding Sergeant -- or Officer 12:54
Hollenback's test. 12:54

A Yes. 12:54

Q All right. And based on that information, you then 12:54
went and saw video footage with Sergeant Stark regarding that 12:54
5 testing area right around the time right before Sergeant -- 12:54
6 or Officer Hollenback took the test. 12:55

7 A Yeah. It was sometime around that time. I don't 12:55
8 know if it was immediately after or whatever, but yes. 12:55

9 Q Sure. And then after seeing that footage, did you 12:55
10 have any additional conversations with anyone else about the 12:55
11 incident between Sauvao and Hollenback? 12:55

12 A I had a conversation with the Internal Affairs 12:55
13 investigators and their Lieutenant Masdig (phonetic). I gave 12:55
14 a briefing to Chief Earl Paysinger and Commander Prokop at 12:55
15 the Bureau level, and I believe that's about it. 12:55

16 Q I'm sorry. Did you meet and speak with each of 12:55
17 those individuals before you talked to Meek? 12:55

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18 A No. Meek was the first person I called; so -- I 12:55
19 don't bypass chain of command. 12:55

20 Q Gotcha. Going back to chain of command, so you 12:55
21 talked to Meek. What was Meek's response when you reported 12:55
22 to her what you found out? 12:55

23 A I don't remember what her -- you know, it was a 12:56
24 phone conversation. So I couldn't see facial expressions or 12:56
25 anything. But it was -- 12:56

 Q She didn't tell you not to report it, did she? 12:56

 A Oh, no. No. 12:56

 Q In fact, is it safe to say that she told you that 12:56
 "We need to report this"? 12:56

5 A I don't know if she said that. I was more like 12:56
6 "This is what I'm going to do. That is what I need to do," 12:56
7 and it was, from what I recall, more of "Okay." 12:56

8 Q All right. And so what was it that you told her 12:56
9 specifically that you were going to do? 12:56

10 A I was going to -- I told her I was going to report 12:56
11 it to Internal Affairs and I needed their guidance on "Can we 12:56
12 get into that car and preserve any evidence that may be in 12:56
13 his K-9 truck that would match the KONG pieces," and so we 12:56

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14 could determine early on if we had something here or if we 12:56
15 don't have something here. 12:56

16 Q And to which in response, she said just "Okay"? 12:56

17 A I don't know her exact response, but it was like "Go 12:56
18 ahead." 12:57

19 Q And so who did you first contact at Internal Affairs 12:57
20 about the incident? 12:57

21 A I don't know the first place I called. Maybe an 12:57
22 administrative office, but I ended up speaking with their 12:57
23 criminal section. 12:57

24 Q And did someone indicate to you from Internal 12:57
25 Affairs that they were going to -- did they say he was 12:57
cutting a face sheet? 12:57

A That was done after I met with them. I physically 12:57
went down there with the KONG pieces, reported everything. I 12:57
even had a disk now of the video I believe I provided them. 12:57
5 And then we had an interaction about the history of the K-9 12:57
6 and how could this possibly -- and I gave them my two cents, 12:57
7 and then from my knowledge, the face sheet was initiated from 12:57
8 them. 12:57

9 Q And what was the two cents that you told Internal 12:57

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10 Affairs? 12:57

11 A I don't -- it was -- I don't remember the specifics, 12:57
12 but it was, you know, what's -- sort of like what you're 12:57
13 asking me today -- "What's a canine cert? Why would this be 12:57
14 important? So KONG pieces," you know, and things of that 12:57
15 nature. 12:58

16 Q And then after that, did you get additional 12:58
17 information from Internal Affairs later on about whether or 12:58
18 not they concluded their investigation, what happened? 12:58

19 A I had -- I sought out several updates. The captain 12:58
20 wanted me to call them throughout the investigation because 12:58
21 it would have been lagging. 12:58

22 So I had made a couple of phone calls during the 12:58
23 case to ask them where they were, because rumors were 12:58
24 invariably going to get out and it was going to impact the 12:58
25 unit, and so "Could we, like, put a fire on this" -- those 12:58
 types of conversations. So I know they had sent the pieces 12:58
 out for DNA testing, and -- 12:58

 But just a couple of phone conversations with them, 12:58
 and that's about it. This was a massed complaint; and so 12:58
5 they didn't want anybody talking with anybody about it. They 12:58

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6 wanted to keep it very secret. 12:58

7 Q So you said the captain had you follow up. Do you 12:58
8 mean Captain Meek? 12:58

9 A Yes. 12:58

10 Q Aside from asking you to follow up, did you have any 12:58
11 additional conversations with Captain Meek about the 12:59
12 Sauvao-Hollenback incident? 12:59

13 A We had a conversation about it. I can't tell you 12:59
14 how many. 12:59

15 Q And what was the nature of the conversation about? 12:59

16 A The one that I recall was a conversation she and I 12:59
17 had where she had expressed to me that the case was going to 12:59
18 be not resolved against him because I.A. was doing a poor 12:59
19 job. 12:59

20 And I think I had learned at that point that they 12:59
21 had not planned on testing all the canines for their DNA. 12:59
22 They just did Sauvao's dog, assuming that the KONG was for 12:59
23 his dog, and they tested his dog and maybe one other. And 12:59
24 so, like -- something like that. But that's what I recall. 12:59

25 Q And is it your belief that you were somehow 12:59
retaliated against by the department for having reported Mark 1:00

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Sauvao as it relates to this incident involving Hollenback?

1:00

A Yes.

1:00

Q And why is that? What's the basis of your belief?

1:00

5 A Well, the basis of my belief that I've been

1:00

6 retaliated against is beyond the -- you know, the reporting

1:00

7 of Sauvao. But that portion of it.

1:00

8 The handlers that made allegations against me -- and

1:00

9 I think this is -- also was the conclusion that the

1:00

10 department made in my investigation -- had coordinated their

1:00

11 complaints against me in a retaliatory fashion.

1:00

12 Q So the reason why you believe you were retaliated

1:00

13 against for having reported Sauvao is the fact that the

1:00

14 subordinates, whom you had supervised at the time, had

1:00

15 coordinated complaints against you.

1:00

16 A With him.

1:00

17 Q With Sauvao.

1:00

18 A Yes.

1:00

19 Q And Sauvao was one of your subordinates at the time;

1:00

20 correct?

1:00

21 A Yes.

1:00

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22	Q	He was not a supervisor; correct?	1:00
23	A	No.	1:00
24	Q	He wasn't your supervisor; right?	1:01
25	A	No.	1:01
	Q	And you had -- it was never your allegation or belief that somehow Captain Meek coordinated with the subordinates for them to make the complaint against you; correct?	1:01
5	A	That's incorrect.	1:01
6	Q	And what's incorrect about that?	1:01
7	A	I believe she coordinated with them.	1:01
8	Q	How do you know that?	1:01
9	A	I base that on my own conclusions of the -- of my experience and my investigation that I, you know, read and what limited stuff I've been allowed to read on my own case.	1:01
10			
11			
12	Q	You said that you based it on your own conclusions; correct?	1:01
13			
14	A	Well, I based it on what happened to me. So I'm telling you based on what happened to me.	1:01
15			
16	Q	I'm sorry. When you say you "based it on what happened to" you, are you saying based on what ultimately	1:01
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18 happened to you, which was -- what -- the transfer out of the 1:01
19 K-9 unit? 1:01
20 A No. It started much -- it started when she first 1:01
21 got there with the transfer of those K-9 teams away and 1:01
22 progressed through a series of events that ultimately led to 1:02
23 her removing me from the unit. 1:02
24 Q Okay. The transfer of the K-9 units -- so we're 1:02
25 talking about the bomb squad dogs -- correct -- or the 1:02
non-T.S.A. dogs. 1:02
A The City dogs. 1:02
Q The City dogs. I'm sorry. So the transfer of the 1:02
City dogs -- that occurred before this incident occurred 1:02
5 between Hollenback and Sauvao; correct? 1:02
6 A Yes. 1:02
7 Q All right. And that occurred before you had made 1:02
8 any sort of report to Internal Affairs about some suspected 1:02
9 misconduct by Sauvao as it related to Hollenback's test; 1:02
10 correct? 1:02
11 A Yes. 1:02
12 Q All right. And so now going back to your earlier 1:02
13 testimony, you said that you formed your own conclusions that 1:02

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14 you believe that Captain Meek had coordinated with your 1:02
15 subordinates for a complaint to be alleged against you. You 1:02
16 said that you did your own investigation. What investigation 1:02
17 specifically did you do? 1:03

18 A I used a bad choice of words. I didn't do my own 1:03
19 investigation. I'm basing it on my experience of what 1:03
20 happened to me and what I'd read in my own letter of 1:03
21 transmittal and the investigation that was done of the 1:03
22 allegations made against me. 1:03

23 Q Was Captain Meek ever investigated as an accused 1:03
24 party in that investigation involving your subordinates 1:03
25 against you? 1:03

MR. SALUTE: Wait, wait. 1:03

THE WITNESS: I don't understand that. In my complaint 1:03
that it was filed against me? 1:03

MR. SALUTE: Let him re-ask it if you don't -- 1:03

5 BY MR. KONG: 1:03

6 Q Sure. In that investigation we're talking about, 1:03
7 we're talking about Sauvao and several of your subordinates 1:03
8 launching a complaint against you. 1:03

9 A Yes. 1:03

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10	Q	So you were the one that was being investigated by	1:03
11		Internal Affairs; correct?	1:03
12	A	Yes.	1:03
13	MR. SALUTE:	Well, I think everybody was being	1:03
14		investigated, but I think the issue that you're trying to get	1:03
15		to is was he the accused officer.	1:03
16	MR. KONG:	I'm going to get to that.	1:04
17	Q	Your last answer was "Yes"; correct?	1:04
18	A	Yes.	1:04
19	Q	All right. Now, was Captain Meek also an accused	1:04
20		party in that complaint?	1:04
21	A	Not in my complaint, to my knowledge.	1:04
22	Q	Do you know if Officer Hollenback experienced any	1:04
23		retaliation for his complaint to you about his suspicions	1:04
24		that Sauvao tampered with his test?	1:04
25	A	Yes.	1:04
	Q	You are aware -- you are aware that he feels he was	1:04
		retaliated against?	1:04
	A	Yes.	1:04
	Q	Retaliated -- I'm sorry. Retaliated by whom?	1:04
5	A	The same K-9 handlers that made allegations against	1:04

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6 me and a few others. 1:04

7 Q And do you know if Officer Hollenback believes that 1:04
8 somehow Captain Meek coordinated with those handlers? 1:04

9 A You would have to ask him. 1:04

10 Q Did he ever share with you that it was his belief 1:04
11 that he believed Meek had somehow coordinated with the 1:05
12 handlers to tamper with his test? 1:05

13 A I don't recall having any such conversation with 1:05
14 him. 1:05

15 Q You don't recall, or he never said that to you? 1:05

16 A I don't recall him ever saying anything like that to 1:05
17 me, that said Captain Meek was the genesis of any complaints 1:05
18 that were ultimately filed against him. 1:05

19 Q Do you know if Sergeant Stark believes that she was 1:05
20 retaliated against because of the information she shared with 1:05
21 you -- or strike that. Do you believe that Stark -- strike 1:05
22 that. 1:05

23 Did Sergeant Stark ever share with you that it was 1:05
24 her belief that she was being retaliated against for having 1:05
25 relayed Hollenback's complaint to you? 1:05

A I don't recall her ever saying something like that 1:05

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to me, that she was being retaliated against by -- the captain?

1:05
1:05

Q Yes.

1:05

5 A No, I don't believe so.

1:05

6 Q Did Stark ever relay to you or share with you that
7 she believed she was being retaliated against by the
8 subordinates, whom both of you were helping to supervise?

1:05
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9 A Those exact words, I don't recall. She had
10 frustration, was concerned about everything that was going
11 on. But those exact words, I don't -- I don't recall.

1:06
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1:06

12 Q Did she ever complain to you that she felt she was
13 suffering retaliation as a sergeant of the Bomb K-9 unit at
14 any point in time that she worked for you?

1:06
1:06
1:06

15 A I don't remember -- I don't remember, because most
16 of the focus was on me. It was, you know --

1:06
1:06

17 Q If Sergeant Stark had reported that she felt like
18 she was being retaliated against by anybody -- whether it was
19 subordinates or other supervisors -- to you, you would have
20 certainly reported that to someone; correct?

1:06
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21 A Yes.

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22 Q And did you ever report anything of that nature to 1:06
23 anyone? 1:06

24 A No. 1:06

25 Q Did Officer Hollenback ever report to you that he 1:06
believed he suffered retaliation? 1:07

A He didn't use those words. He had -- this was right 1:07
before I was out of the unit. He was talking -- he talked to 1:07
me about how he was being isolated by the other handlers, 1:07
5 they were ignoring him in the workplace -- those things that 1:07
6 start to lead up to where you're treating somebody different. 1:07
7 And I communicated those to the captain. So right about that 1:07
8 time, I was sent out of the unit, and that was about it. 1:07

9 Q Did you take any steps to see about reporting that 1:07
10 to Internal Affairs? 1:07

11 A I believe his stuff was reported to Internal 1:07
12 Affairs. That's my belief. It's been a while, but it was -- 1:07
13 I definitely reported any concerns that were relayed to me to 1:07
14 the captain. 1:07

15 Q And so it's your belief that the issues that 1:07
16 Officer Hollenback had reported to you became the subject of 1:07
17 an I.A. investigation? 1:07

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18 A I'm not sure. 1:07

19 Q But you were -- you were far gone. You were out of 1:08

20 the unit by that point? 1:08

21 A It was pretty quick. 1:08

22 Q Now, going back, as far as your belief that Captain 1:08

23 Meek had some hand in the complaint that the subordinates had 1:08

24 made against you, is it safe to say that your belief is based 1:08

25 on the fact that, one, the City dogs were transferred out of 1:08

your responsibility to the bomb squad? 1:08

 A That's part of it. 1:08

 Q Okay. And then the other is exactly what? 1:08

 A When she first got there, she ordered me to stop 1:08

5 sending any emails to anybody trying to improve the unit. 1:08

6 She told me I'm not allowed to make a decision as O.I.C. 1:08

7 unless I went through her first. She canceled all lieutenant 1:09

8 meetings that were weekly meetings where I would meet with 1:09

9 the captains previously and give updates. I was told to stay 1:09

10 at the airport. 1:09

11 I then received information from a number of sources 1:09

12 that she was soliciting complaints against me, asking people 1:09

13 if they wanted to make a complaint against me. I had the 1:09

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14 airport captain, Mario Patrick, come to me; the airport 1:09
15 lieutenant, Edward Trahan, come to me and say, "I don't know 1:09
16 what's going on, but your captain is out to get you, and you 1:09
17 better watch your back." 1:09
18 MR. SALUTE: You need to slow down. 1:09
19 THE WITNESS: I'm sorry. 1:09
20 MR. SALUTE: You're going very fast. 1:09
21 THE WITNESS: I apologize. 1:09
22 MR. KONG: Yeah. Real quick, we're in an enclosed place 1:09
23 and the hardest-working person in here, other than myself and 1:09
24 you, is the very person seated in that seat right there. So 1:09
25 we're going to both do a better job of slowing down, not 1:09
talking over each other, and allowing her the opportunity to 1:09
do her good, great work. 1:09
Q All right. So in terms of soliciting complaints -- 1:09
MR. SALUTE: Well, he wasn't completely done with his 1:10
5 answer but -- 1:10
6 MR. KONG: Okay. 1:10
7 THE WITNESS: Both Sergeant Stark and Sergeant Goens 1:10
8 reiterated the same to me, and Stark had told me that the 1:10
9 captain was meeting with handlers and seeking -- soliciting 1:10

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10 complaints against me as well. 1:10

11 BY MR. KONG: 1:10

12 Q Now, when you use the word "soliciting," is that 1:10

13 your word, or is that a word that was used by officers who 1:10

14 were telling you about what Captain Meek was doing? 1:10

15 A Those are my words to describe what was being 1:10

16 relayed to me about what the captain was asking. 1:10

17 Q So "soliciting" is your word. 1:10

18 A "Soliciting" is my word. 1:10

19 Q What were the words or word that Sergeant Stark and 1:10

20 Goens each used to describe to you what they believed or 1:10

21 observed the captain was doing? 1:10

22 A I don't remember the exact words they used as I sit 1:11

23 here today, but it was clear to me from those communications 1:11

24 that she was there trying to get dirt from any source to get 1:11

25 me out of the unit. 1:11

Q Again, is "dirt" your word or their words? 1:11

A That's my word today. 1:11

Q So I want to get a better understanding of what 1:11

Sergeant Stark and Goens each told you about what they saw 1:11

5 Captain Meek was doing at the time with regards to your 1:11

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6 performance as a supervisor. 1:11

7 A I don't remember the exact words. 1:11

8 Q But they didn't use the word "soliciting"; correct? 1:11

9 A They may have, but I -- I just -- I don't remember 1:11
10 what the exact words were. Those words that I've described 1:11
11 are ones that I -- you know -- 1:11

12 Q But earlier you testified that the "soliciting" -- 1:11
13 that that was your word; correct? 1:11

14 A That's the word that I'm using to describe it. 1:11

15 Q And "dirt" -- they didn't use the word "dirt"; 1:11
16 correct? 1:12

17 A I'm not saying that. I'm saying I don't remember 1:12
18 the exact verbiage they used. Those are my words to describe 1:12
19 what I remember them telling me, whatever words it was that 1:12
20 they used. 1:12

21 Q Now, on or around that time, had you been getting 1:12
22 feedback or information that a lot of the subordinates in the 1:12
23 unit were unhappy with your job as supervisor? 1:12

24 A From Captain Meek in our first meeting. 1:12

25 Q When you say with Captain Meek from the first 1:12
meeting, when was that first meeting? 1:12

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A I would say it's either -- I believe it was our first or second meeting, because I think we might have had the pleasantry one -- like "I'm the new captain" -- that little short conversation. But it was either one of the first two within a month of her being there. It was pretty shortly after her transfer in.

Q Was this a face-to-face meeting?

A Yes.

Q And was this just between you and her?

A Yes.

Q Was this in her office?

A It was in my office at the airport.

Q Was there anyone else present at that meeting?

A No.

Q And how long, approximately, was that meeting?

A Maybe 20 minutes, 15 minutes.

Q Meeting occur on or about May 6 of 2016?

A May or March. I didn't have a lot of interactions with her in those first few months. But I think -- I know where you're asking about the May. It could have been in

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22	May.	1:13
23	Q Let me show you what's been marked as Exhibit 3.	1:13
24	(Defendant's Exhibit 3 was marked for identification	1:13
25	and is annexed hereto.)	1:13
	MR. KONG: Let's take a moment to look at that. That's	1:13
	yours (indicating).	1:13
	Q Do you recognize this document?	1:13
	A Yes.	1:13
5	Q Okay. I'll submit to you this is an employee	1:13
6	comment sheet about you. It looks like it covers a period	1:14
7	from May 6, 2016, to June 10, 2016; is that correct?	1:14
8	A Yes.	1:14
9	Q All right. And did you ever receive this document	1:14
10	or a copy of this document?	1:14
11	A Yes.	1:14
12	Q And when do you recall first seeing this document?	1:14
13	A The day that I was served with it.	1:14
14	Q When were you served with this document?	1:14
15	A I don't -- I don't know the exact date. Some -- it	1:14
16	was a while after that meeting. It was --	1:14
17	Q Well, let me ask you a few questions. Do you notice	1:14

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18 on the left-hand column of this page, the first page in 1:14
19 Exhibit 3, there's an incident, June 15, 2016? 1:14
20 A Yes, I see that. 1:14
21 Q Do you recall actually meeting in-person with 1:14
22 Captain Meek on that day to discuss basically what's covered 1:14
23 in this employee comment sheet? 1:15
24 A I remember meeting with her and Captain Sambar. 1:15
25 Q And what's Captain Sambar's first name? 1:15
A I don't know. 1:15
Q And what was Captain Sambar's role at the time? 1:15
A He was a captain at Major Crimes Division. 1:15
Q And is Major Crimes Division part of E.S.D.? 1:15
5 A No. 1:15
6 Q Okay. Do you know why he was at the meeting? 1:15
7 A No. 1:15
8 Q So have you seen an employee comment sheet that -- 1:15
9 the form itself before? 1:15
10 A Yes. 1:15
11 Q And do you know, based on your job as a supervisor, 1:15
12 what employee comment sheets are used for? 1:15
13 A Yes. 1:15

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14	Q	What are they used for?	1:15
15	A	Documentation.	1:15
16	Q	Documentation of exactly what?	1:15
17	A	Good performance, results of meetings, expectations	1:15
18		and, you know, things of that nature.	1:15
19	Q	Employee comment sheets can also be used to lay out	1:15
20		some sort of performance improvement plan of employees as	1:15
21		well; correct?	1:15
22	A	They could.	1:16
23	Q	So in this particular employee comment sheet, it	1:16
24		states here in the first paragraph, "On May 6, 2016, we met	1:16
25		and discussed a variety of topics, issues, and expectations	1:16
		regarding your duties and assignment at Bomb Detection K9	1:16
		Section." Does this refresh your recollection of some sort	1:16
		of initial -- or first meeting on May 6, 2016, with Captain	1:16
		Meek?	1:16
5	A	I remember that meeting.	1:16
6	Q	Okay. And was this the meeting where both she and	1:16
7		Captain Sambar were present?	1:16
8	A	No. This was the one where she came down to my	1:16
9		office.	1:16

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10 Q This was the meeting which you had described here 1:16
11 earlier; correct? 1:16
12 A I don't know if I described it earlier, but I might 1:16
13 have. 1:16
14 Q And did she call you ahead of time to set up this 1:16
15 meeting with you at your office? 1:16
16 A I don't remember. 1:16
17 Q And did you have -- describe the offices at the LAX 1:16
18 location. Did you have a separate corner office? 1:16
19 A Yeah. I had a room about half the size of this with 1:16
20 no windows, and -- it's an office with a door. 1:16
21 Q And did she meet with you behind closed doors? 1:16
22 A Yes, I believe the doors were shut. 1:17
23 Q And do you know approximately how long that meeting 1:17
24 was? 1:17
25 A Again, maybe 15 minutes. It wasn't very long. 1:17
 Q And aside from the -- we're going to cover some of 1:17
 the issues here discussed in this exhibit. Did she discuss 1:17
 with you any other issues having to do with the Bomb 1:17
 Detection K-9 unit? 1:17
5 A No. She -- she was basically there to tell me that 1:17

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6 everybody in the unit hated me. And I was like -- I was 1:17
7 caught completely off-guard. My jaw was open, and I tried to 1:17
8 talk to her about it. She didn't want to talk about it. It 1:17
9 was just basically putting me on notice -- "Everybody here 1:17
10 hates you. They say you throw objects in the building and 1:17
11 that you cuss." 1:17

12 And I'm like "What are you talking about? Can you 1:17
13 please let me know who is saying this" or -- you know, "so I 1:17
14 can, you know, give you context on this?" 1:17

15 And she says, "Nope, nope, nope." 1:18

16 And that was basically the meeting, along with 1:18
17 telling me, "No more emails." You know, again, "We're not 1:18
18 meeting. Stay here. Stop trying to make recommendations to 1:18
19 improve the unit to do stuff." Just basically "Stay at the 1:18
20 airport." 1:18

21 Q So by this time -- May, 2016 -- how many officers or 1:18
22 how many handlers were you supervising, approximately? 1:18

23 A Give or take, the 18 handlers and two sergeants, you 1:18
24 know, depending on vacancies, if there was a vacancy at the 1:18
25 time or not. 1:18

Q And of those 18 handlers, how many of those were 1:18

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actual L.A.P.D. K-9 handlers?

1:18

A All of our 18 are L.A.P.D. handlers. I don't really include the airport side. I mean, I guess you could say I supervise them too, but really it's a task force. So --

1:18

1:18

1:18

Q Yeah. I'm more concerned about the L.A.P.D. folks. How many of those handlers were L.A.P.D., and you're saying --

1:18

1:18

1:18

A All --

1:18

Q -- all of them were L.A.P.D. handlers; correct?

1:18

A Yes.

1:18

Q Okay. And at that time, how many of those handlers were already part of the unit when you first got there as the O.I.C. back in 2012?

1:18

1:19

1:19

A Can you repeat that again. How many --

1:19

Q Yeah, sure. Of the 18 or so handlers whom you supervised in May of 2016, how many of those handlers had already been handlers in the unit when you first got there as the O.I.C.?

1:19

1:19

1:19

1:19

A I don't know. Maybe five or so. Maybe, you know, a few more.

1:19

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22 Q Was Mark Sauvao already a handler when you got there 1:19
23 as an O.I.C.? 1:19
24 A Sauvao had been there throughout my tenure. 1:19
25 Q How about Leslie Salinas? 1:19
A No. She was selected after I got there. Sometime 1:19
in between. 1:19
Q What about Alberto Franco? 1:19
A He was selected when I was the O.I.C. there. 1:20
5 Q What about Deanna Starks? 1:20
6 A She was selected when I was the O.I.C. there. 1:20
7 Q And what about Randy Goens? 1:20
8 A He was selected when I was the O.I.C. there. 1:20
9 Q And so when Captain Meek told you, in your words, 1:20
10 that your subordinates "hated" you, did that come as a 1:20
11 surprise? 1:20
12 A The way she said it, yes, it was a surprise. 1:20
13 Q Well, how did she exactly say it to you that came as 1:20
14 a surprise? 1:20
15 A Told me that "Everyone hates you." 1:20
16 Q She used those exact words -- "Everyone hates you"? 1:20
17 A Yes. Something, yeah, to that effect. That's my 1:20

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18 recollection. "Everyone here" -- "Everyone hates you." 1:20

19 Q And why did that catch you by surprise when she said 1:20
20 that? 1:21

21 A Because that's a -- it was a strong description that 1:21
22 she did, and I had done a lot for the unit to bring the unit 1:21
23 forward and progress them, and -- and I was pretty open with 1:21
24 people. If they ever had a problem, they could come and talk 1:21
25 to me if they wanted to, and that would be it. 1:21

And so it was very -- it was like an attack, a 1:21
verbal attack, the way she did it, and I was just -- I was 1:21
caught off-guard by it. I didn't think that's what the 1:21
purpose of her coming down was. 1:21

5 Q Now, did she in fact tell you that people had 1:21
6 complained that you cuss at work? 1:21

7 A It was something to the effect that I throw items 1:21
8 and I cuss all the time. 1:21

9 Q Okay. Did she use the word "cuss?" 1:21

10 A I don't know what word she used, but it was 1:21
11 something that dealt with cussing or profanity. 1:21

12 Q Did she give you examples of profanity that she was 1:21
13 told that you used? 1:22

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14 A No. She gave me no specifics. I asked for them. I 1:22
15 said, "Please, let me help you. This is not" -- "You've got 1:22
16 the wrong impression. That's not what's going on here." 1:22

17 Q So is it your testimony -- well, strike that. Did 1:22
18 you in fact never curse at work? 1:22

19 A Oh, I've used a curse word at work, but not in the 1:22
20 context of what -- that she was making out to me, like I'm 1:22
21 cussing at people. You know, if I get mad at my computer or 1:22
22 my keyboard, I might call it a name, but -- completely 1:22
23 different context. 1:22

24 Q Did Captain Meek actually tell you that she got 1:22
25 reports that you were cussing at people? 1:22

 A That I was using profanity at people and I was 1:22
 throwing objects against the wall or throwing objects in the 1:22
 workplace, and I was (indicating). 1:22

 Q Have you ever -- have you ever said profanity 1:22
5 towards people ever? 1:22

6 A In my life? I'm sure I have, yes. 1:22

7 Q Have you ever said profanity to any one of your 1:22
8 subordinates at E.S.D.? 1:23

9 A Called them a profane name? No. 1:23

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10 Q You've never called anyone a profane name in E.S.D.? 1:23
11 A Not to their face. 1:23
12 Q But you've said it behind their backs? 1:23
13 A Well, to myself, you know, I mean, in my thoughts, 1:23
14 but I don't call people names and make a mockery of them. 1:23
15 Q Have you ever called someone a profane name in the 1:23
16 presence of other people, not necessarily in front of the 1:23
17 person whom you're directing it to, but in front of other 1:23
18 subordinates? 1:23
19 A As I sit here, I can't think of an incidence, but in 1:23
20 my whole career -- you know, that's just not who -- how I 1:23
21 comport myself and how I act; so -- but, you know, I can't 1:23
22 say absolutely not, I've never done something, because, you 1:23
23 know -- but that's just not who I am. I'm pretty tight. 1:23
24 Q I'm sorry? 1:23
25 A I'm pretty tight. I'm pretty cautious, and like I 1:23
said -- and that's what I think a lot of people didn't like 1:24
about me, is, like, if that sort of thing came up, I would 1:24
report it and take action. So I'm not going to be doing 1:24
those same things that I've reported. That would be 1:24
5 hypocritical. So -- 1:24

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6 Q But you don't deny the fact that you may have, in 1:24
7 some instance, called someone a profane name behind their 1:24
8 back; correct? 1:24

9 A Yeah. It's human nature in life. Yes. 1:24

10 Q And that you may have done that, in fact, when you 1:24
11 were the O.I.C. of E.S.D. -- or the Bomb K-9 unit; correct? 1:24

12 A I will say it is possible, but I don't have an 1:24
13 exact, you know, memory of doing that. And if you want to 1:24
14 say, you know, "Did you ever one time in your life do that," 1:24
15 yeah, it's possible I did that, but not at the level that was 1:24
16 described to me in -- you know. 1:24

17 Q Well, you would agree with me that even calling 1:24
18 someone a profane name behind their back just even one time 1:24
19 would be an inappropriate thing for a supervisor to do; 1:25
20 correct? 1:25

21 A Yeah, of course. You know, it's a decency thing. 1:25

22 Q And as far as throwing objects, do you recall any 1:25
23 instance where you actually did, in fact, throw an object? 1:25

24 A No; no. I mean, the only thing I can think of I 1:25
25 have ever done is maybe throw my keys onto my desk. I don't 1:25
throw things off of walls and down halls and -- I mean, it's 1:25

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just crazy.

1:25

Q Did Captain Meek give you an example of what sort of
object you were accused of throwing?

1:25

1:25

5 A No. She wouldn't give me any specifics.

1:25

6 Q She didn't give you the names of the individuals who
7 forwarded the complaints to her?

1:25

1:25

8 A Nope, nothing.

1:25

9 Q Did you want her to give you the names?

1:25

10 A I wanted her to do something. "Let me provide

1:25

11 context, give you -- that way, I could give you the other

1:25

12 side to a story, and it's something that's taken out of

1:25

13 context or something, and this is a misunderstanding." But

1:25

14 she did not want to hear any of it.

1:26

15 Q Do you think maybe she was concerned that you might
16 retaliate against those employees who made these accusations?

1:26

1:26

17 A You would have to ask her.

1:26

18 Q Directing your attention to Exhibit 3, I'm going to

1:26

19 focus your attention to the third paragraph there in the

1:26

20 middle of the document. It starts with "It is the

1:26

21 department's expectation."

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22 A Right. 1:26

23 Q Do you see that? 1:26

24 A Yes. 1:26

25 Q Okay. I'm just going to read a portion of this into 1:26
the record. It says here, "It is the department's 1:26
expectation that all employees be treated respectfully, with 1:26
fairness, and provide equal access to assignments and 1:26
training opportunities." Captain Meek told you this during 1:26
5 the meeting on May 6th, 2016; correct? 1:26

6 A No. 1:26

7 Q She didn't say any of that to you? 1:26

8 A No. She came in -- 1:26

9 MR. SALUTE: You've answered. 1:26

10 THE WITNESS: No, she didn't say that. I'm sorry. 1:26

11 BY MR. KONG: 1:26

12 Q Okay. Did she advise you that the workplace which 1:26
13 you supervised must be free of demeaning, verbally abusive, 1:26
14 threatening, and bullying behavior? 1:26

15 A No. 1:27

16 Q She never said any of that to you? 1:27

17 A No. 1:27

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18 Q Did she say to you, quote, "I expect that as a 1:27
19 Section O.I.C. you will ensure the work environment meets 1:27
20 this standard and that you will take corrective action if it 1:27
21 is not"? 1:27

22 A No. 1:27

23 Q She didn't say any of that to you? 1:27

24 A No. 1:27

25 Q So based on this paragraph that I just read, is it 1:27
your testimony here today that she did not give you any 1:27
information related to anything that's stated here in this 1:27
paragraph? 1:27

A That's correct. She did not. 1:27

5 Q Okay. So even though that she had shared with you 1:27
6 that she had gotten reports that you were using profanity at 1:27
7 work and that you were throwing objects -- even based on 1:27
8 that, you don't believe that she advised you of any of this 1:27
9 contained in this third paragraph of Exhibit 3? 1:27

10 A Yes. There was nothing of -- that formal ever 1:27
11 discussed. 1:27

12 Q Okay. Going to the second paragraph, it says here 1:27
13 that Captain Meek, I guess, advised you that she expected you 1:27

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14 to discuss with her any new procedures or programs you wanted 1:27
15 implemented at the K-9 section or prior to drafting any 1:28
16 related documents. Did she say anything similar of that 1:28
17 nature to you during the meeting? 1:28

18 A She did not use those exact words, and as I 1:28
19 previously described. 1:28

20 Q Okay. I'm not concerned about exact words that she 1:28
21 used. I'm more concerned about whether in fact she advised 1:28
22 you of something similar or of that nature. 1:28

23 A Yes. 1:28

24 Q Okay. And do you know why she was advising you of 1:28
25 that? 1:28

A I do not know. 1:28

Q Was there a particular incident that happened that 1:28
prompted her to advise you of that? 1:28

A The only incident that I am aware of is one on a 1:28
5 bomb-threat call. 1:28

6 Q And describe for me what happened during that 1:28
7 incident. 1:28

8 A There was a bomb threat called in the city at a 1:28
9 -- maybe a Wal-Mart or a Lowe's or a big-box store. Under 1:28

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10 the protocols, the K-9 supervisor on-call makes the decision 1:28
11 that a canine responds. 1:29

12 I had -- we had a canine deployed to the location, 1:29
13 and it was a nonspecific threat; so it did not need the bomb 1:29
14 squad there. I had called the bomb squad and asked them, 1:29
15 "This is kind of a long search. If you're not doing 1:29
16 anything, do you mind going there to help out on the search?" 1:29
17 And they did. 1:29

18 And when they got there, I had a conversation with 1:29
19 their supervisor over the phone, and he didn't want to search 1:29
20 the location because it was too large and this was, I think, 1:29
21 a nonspecific call. And I wanted the -- I still wanted the 1:29
22 dog to at least do a cursory walk-through with employees as a 1:29
23 measure, which we do. And it was ultimately done. 1:29

24 And later on, I was told by Meek that I had 1:29
25 interfered with the bomb squad supervisor's duty by over -- 1:29
by telling them how to do their job or something, and 1:30
that's -- I'm not a part of the bomb squad. 1:30

And I was like "They were there. I had asked them 1:30
to come. This was a K-9 handle." That's the only thing I 1:30
5 could think of. 1:30

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6 Q And was it your belief that Captain Meek, in her 1:30
7 role as a captain over E.S.D., she had the authority to tell 1:30
8 you that? 1:30

9 A I think any -- yeah. Yes. You can share what 1:30
10 you're feeling about your subordinates, yes. 1:30

11 Q And as a captain, based on your experience and 1:30
12 understanding of the various captains whom you've worked with 1:30
13 at E.S.D., did it fall in line with their duties and 1:30
14 responsibilities to sort of dictate, sometimes, the practice 1:30
15 and protocol of how calls were handled? 1:30

16 A Can you run that by me again. I'm sorry. 1:30

17 Q Sure. Based on the prior experience you had working 1:30
18 for various captains at E.S.D. as an O.I.C., was it your 1:30
19 understanding that captains had discretion in terms of how 1:30
20 certain calls should be handled? 1:31

21 A The captain would -- outranks and, as part of that 1:31
22 hierarchy, could make a decision. 1:31

23 Q And also the captain had the equal discretion also 1:31
24 to dictate on -- dictate on how certain procedures or 1:31
25 programs should be carried out within the unit; correct? 1:31

A Yes. 1:31

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Q And as the O.I.C., it would have been imperative for 1:31
you to basically follow what the captain leaves out; correct? 1:31

A Yes. 1:31

5 Q All right. And so in this particular instance in 1:31
6 this employee comment sheet, she's telling you that she 1:31
7 discussed with you, in effect, about new procedures and 1:31
8 programs and her instruction to you to basically discuss with 1:31
9 her before implementing anything like that; correct? 1:31

10 A That's what she wrote. 1:31

11 Q Right. And that's -- that's -- based on what you 1:31
12 just testified to, it's perfectly within her prerogative as a 1:31
13 captain to tell you that she wants to be consulted before you 1:31
14 make any changes to any programs or procedures; correct? 1:31

15 A I believe I agreed with you that that would be the 1:32
16 captain's purview. Where I disagree with you is that's not 1:32
17 what was discussed on that day. 1:32

18 Q Okay. So on that day, what exactly did she discuss? 1:32

19 A She came down and told me that everybody hates me 1:32
20 and that -- because I throw things and I use profanity in the 1:32
21 workplace. 1:32

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22 And it was me trying to defend myself, saying, 1:32
23 "Okay. Well, give me some context. This is not -- if you 1:32
24 would spend some time with me, you'll see that is not the 1:32
25 person I am." You know, and that was the conversation. It 1:32
 wasn't -- 1:32

 And -- you know, and then the thing where she said, 1:32
 "Don't send anymore emails. Stop trying to improve the unit. 1:32
 Don't draft anything and send it up." And that was just the 1:32
5 talking to, and that was it. 1:32
6 Q So -- I'm sorry. So when you say that she said, 1:32
7 "Don't send any emails and don't try to draft any documents," 1:32
8 I'm looking at the first sentence of the second paragraph in 1:32
9 Exhibit 3. Doesn't that in effect say that? 1:32
10 A You said the first sentence? 1:32
11 Q Yes. 1:33
12 MR. SALUTE: Objection. Argumentative. 1:33
13 THE WITNESS: That's -- that's what it says there. 1:33
14 BY MR. KONG: 1:33
15 Q Okay. Now, moving on. In the fourth paragraph, it 1:33
16 states here in the comment sheet, "I expect you to be an 1:33
17 active supervisor, available to your personnel in the office 1:33

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18 and in the field yet allow your field supervisors to engage 1:33
19 in making decisions based on the situation and the best 1:33
20 information they have available." Did she say any words to 1:33
21 that effect during her meeting with you on May 6th? 1:33

22 A No. 1:33

23 Q Did she ever advise you that there were complaints 1:33
24 that you stayed in the office and did not ever go out to 1:33
25 visit your subordinates out at calls or at any other 1:33
location? 1:33

A I believe she mentioned that, and in that feedback 1:33
was that I don't go to training as much. They'd like to see 1:33
me more at training. 1:33

5 Q And what sort of training was she speaking about? 1:33

6 A I believe she was talking about the daily K-9 1:34
7 training that takes place. 1:34

8 Q Now, at the time that this meeting took place with 1:34
9 Captain Meek, had you heard from anyone of certain complaints 1:34
10 by subordinates that you were in the office too much? 1:34

11 A No. 1:34

12 Q Was it true that, in fact, you did stay in the 1:34
13 office more often than not? 1:34

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14 A I would be -- I would be in the office, but my 1:34
15 duties would split with the administrative and, to a lesser 1:34
16 agree, field-related, because I'm managing the budget, the 1:34
17 overtime, and all those other things. 1:34

18 Q So I'm looking at this comment sheet, then, at this 1:34
19 fourth paragraph about you being active supervisor. Is there 1:34
20 anything about -- is there anything with that statement I 1:34
21 just read to you -- is there anything with that that you 1:34
22 would disagree with, just in principle, as an O.I.C.? 1:34

23 A I don't disagree -- I don't disagree with it as a 1:35
24 principle of supervision. 1:35

25 Q That's actually -- in fact, that's actually probably 1:35
 a good piece of advice for a supervisor; correct? 1:35

 A I don't disagree with it. 1:35

 Q Okay. But do you agree with me, though, that would 1:35
 be a good piece of advice to give a supervisor? 1:35

5 A Yeah. It's consistent with good supervision. 1:35

6 Q And then below, in that very same paragraph, it 1:35
7 states, "This will promote section unity, encourage 1:35
8 employees, boost morale, and provide you additional insight 1:35
9 to identify potential problem situations early on." Do you 1:35

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10 see that sentence? 1:35
11 A Uh-huh. 1:35
12 Q Is there anything disagreeable with that statement 1:35
13 from your perspective as a former O.I.C. supervisor? 1:35
14 A As a general philosophy, no, I don't disagree with 1:35
15 it. 1:35
16 Q Okay. And going back, the paragraph above that 1:35
17 where it says -- where she lays out the department's 1:35
18 expectation about treating employees respectfully, with 1:35
19 fairness, and equal access to assignments and training 1:36
20 opportunities; providing a workplace free of demeaning, 1:36
21 verbally abusive, threatening bullying behavior -- anything 1:36
22 you find disagreeable about that statement? 1:36
23 A I find those to be acceptable supervisory practices. 1:36
24 I don't disagree with them, in general. 1:36
25 Q In fact, they're not just acceptable. Would you 1:36
agree with me those are kind of standard practices that every 1:36
employer should observe? 1:36
A Yeah. They should strive to do those things, yes. 1:36
Q Okay. And then as far as the second paragraph where 1:36
5 she basically tells you to basically discuss with her any 1:36

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6 changes to any procedures or programs and about drafting any 1:36
7 related documents -- is there anything disagreeable about 1:36
8 that instruction? 1:36

9 MR. SALUTE: Which one? 1:36

10 THE WITNESS: He's back to the second paragraph. 1:36

11 I would disagree with that in the context in which 1:36
12 it was relayed to me. It wasn't -- the context in which I 1:36
13 received it was "Stop trying to push your unit. Just stop 1:37
14 everything you're doing. No more suggestions on how to 1:37
15 deploy canines," because we were doing -- we were on the edge 1:37
16 of trying to really improve the unit. 1:37

17 And so it wasn't very cut-and-dry like this, like a 1:37
18 general principle that you're describing, like "Hey. Run 1:37
19 everything by me before." This was like "Go to the airport, 1:37
20 sit there, and don't do anything. I don't want to hear from 1:37
21 you." 1:37

22 BY MR. KONG: 1:37

23 Q Well, I take it that's -- I take it that you're 1:37
24 providing us your context of how you understood it. But I'm 1:37
25 just more focused on this theme in here in this comment 1:37
sheet. Was she out of line by telling you that she wanted 1:37

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you to run by any new procedures or programs before you
drafted any related documents?

A As a general term, it was -- without all this other
5 going on, if a supervisor had asked me, you know, "Hey, bump
6 it by me," I wouldn't have a problem with that.

Q In fact, you can reasonably see yourself telling one
8 of your subordinates, if one of the sergeants did the same
9 thing -- telling the sergeants to do the same thing --
10 running stuff by you before they publish or sent a particular
11 document out; correct?

A Yes.

Q Okay. So as far as anything that's outlined in
14 these, I guess, three paragraphs which we covered, there's
15 nothing here that's unreasonable, per se, as far as standards
16 for a supervisor to follow; correct?

A Yes, if it was written that way.

Q Okay. Well, it is written this way. We're looking
19 at a document, and based on what it says in the document,
20 there's nothing here that's unreasonable as far as the
21 standards that Captain Meek had laid out in this comment

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22 sheet; correct? 1:38

23 A The general standards, no, I don't -- I don't 1:38

24 disagree with the general standards. 1:38

25 Q Now, at the bottom of Exhibit 3, it says here, 1:38
"During our discussion on May 6th," and there's an asterisk. 1:38

It says here, "You" -- meaning you, Lieutenant Garvin -- 1:38

"stated that in the future you would discuss with me" -- that 1:39

is, Captain Garvin -- "any ideas you have related to changes 1:39

5 within the Bomb Detection K-9 Section prior to taking any 1:39

6 action." It's true that you, in fact, did tell her that on 1:39

7 May 6th; correct? 1:39

8 A I don't recall saying that, but I also don't 1:39

9 disagree with you that I would have if -- I would have said 1:39

10 that. That's what I do. 1:39

11 Q Okay. Because you otherwise have no evidence to 1:39

12 show that you did not say that; correct? 1:39

13 A Yeah. I don't have a recollection of myself saying 1:39

14 that to her. 1:39

15 Q All right. And then on the following page of 1:39

16 Exhibit 3, there's a -- at the top, it says here again, 1:39

17 asterisk, "You stated that you did not believe you have 1:39

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18 displayed disrespectful or inequitable behavior in the past." 1:39
19 Is that true? Is that correct -- strike that. Is it true 1:40
20 that you did in fact tell her that in this meeting? 1:40
21 A Yes. I told her that I don't do that and she needs 1:40
22 to come down and see for herself. 1:40
23 Q And then it says here in that very same paragraph, 1:40
24 "We discussed this issue again on May 24th." Do you recall 1:40
25 having another meeting on May 24th? 1:40
A I don't recall that meeting as I sit here. 1:40
Q Okay. Then it says, "In a routine meeting with 1:40
Chief Downing on June 8, 2016, you acknowledged that we had 1:40
had discussions on this topic and stated you recognized that 1:40
5 you could work on your interpersonal skills and would make an 1:40
6 effort to do so." 1:40
7 A That's taken out of context. 1:40
8 Q Okay. But did you in fact say that or words to that 1:40
9 effect? 1:40
10 A I'm sorry. No. 1:40
11 Q Okay. 1:40
12 A Oh, words to the -- my answer is no, I didn't say 1:40
13 that or words to effect on this, the way it's described. 1:41

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14 Q Well, let me break it down. Did you in fact have a 1:41
15 meeting with Chief Downing and Captain Meek on June 8, 2016? 1:41
16 A Yes. 1:41
17 Q Was there anyone else at that meeting? 1:41
18 A Not to my knowledge. 1:41
19 Q And do you know how that meeting got set up? 1:41
20 A It was a section update meeting for the Bureau that 1:41
21 were held on a rotational basis. Someone from the Bureau 1:41
22 would come down, and you would give them an update on the 1:41
23 status of your section. So about every month, month and a 1:41
24 half, two months, sometimes. 1:41
25 Q And during that meeting, did someone bring up this 1:41
issue regarding your interpersonal skills with your 1:41
subordinates? 1:41
A No. The meeting handled routine, run-of-the-mill, 1:41
"How's it going at the airport," and this was not a specific 1:41
5 topic of that meeting. 1:41
6 Q Now, earlier you said that this statement was taken 1:41
7 out of context. So what sort of context are you speaking 1:42
8 about? 1:42
9 A At the end of the meeting, there was some 1:42

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10 conversation, and the chief says, "Ray, how's" -- something 1:42
11 to the effect "Hey, how's it going out there? What's going 1:42
12 on?" 1:42

13 And I said, "Well, you know, everything's going 1:42
14 great. Everything's fine. You know, the captain and I are, 1:42
15 you know, discussing some issues." 1:42

16 And then he went right in -- "What specifically are 1:42
17 you talking to the captain about? What specifically?" 1:42

18 And I said, "Well, just in general about 1:42
19 supervision" and -- and something along those lines and that 1:42
20 we were working on that. It wasn't any type of admission 1:42
21 that I had poor interpersonal skills or anything like that. 1:42
22 It was just kind of a side comment at the end of -- of a 1:42
23 meeting. 1:42

24 Q Well, when you -- when you told Chief Downing that 1:42
25 you were working on issues or working on whatever it was 1:42
involving the Bomb K-9 unit, what specifically did you mean 1:42
by that? 1:43

A That the captain and I had had these conversations 1:43
-- I had felt that she had already told him everything she 1:43
5 probably had told me and that -- frankly, I thought I was 1:43

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6 being set up right there at that point when it came up 1:43
7 because of the way he jumped in so quick. 1:43

8 And, so, you know, I figured, "Yeah, me and the 1:43
9 captain are" -- you know, "We've had some discussions and 1:43
10 everything's going good and, you know, we're working through 1:43
11 it," and it was just very general. But I felt that he had 1:43
12 asked it knowing they had had a conversation and -- 1:43

13 But, again, it was just very -- just conversational, 1:43
14 not -- it wasn't a subject of the meeting, and it was over 1:43
15 like that. And then it was codified here like I'm making 1:43
16 some kind of admission that I have poor interpersonal skills 1:43
17 and I was counseled about it. And that wasn't the case. 1:43

18 Q Well, I mean, earlier you testified that you had 1:43
19 already discussed these issues, or some of these issues, with 1:44
20 Captain Meek. So I'm curious to know what -- at this point 1:44
21 when you responded to Chief Downing asking you how things are 1:44
22 going, what was your belief or understanding at the time as 1:44
23 to what had been discussed between you and Captain Meek? 1:44

24 A Her telling me that everybody hates me and my trying 1:44
25 to defend myself. 1:44

Q And did you not use -- did you not tell Captain -- 1:44

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I'm sorry. Not "Captain," but Chief Downing in that meeting
that you were working on your interpersonal skills?

A I don't believe I used those words. It wasn't any
5 type of admission or anything. It was something very vague
6 that we had had a discussion and we were working -- or
7 working towards it; you know, better in the unit and the
8 morale and all things of that nature. It was very general.

9 Q What words -- did you use words to the effect to
10 mean interpersonal skills?

11 A I don't remember the exact words I used.

12 Q But you just testified that you basically told Chief
13 Downing that you were working on issues such as unit morale;
14 correct?

15 A Yes. It was the general conversation. I don't know
16 the exact phrases I used or the words.

17 Q And this third -- I guess the third asterisk here on
18 the second page of Exhibit 3, you state here that you
19 "understood the need to empower your supervisors." Do you
20 see that?

21 A Yes.

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22 Q Do you recall saying that to Captain Meek? 1:45
23 A I don't recall saying that to Captain Meek. 1:45
24 Q You don't deny saying that, though; correct? 1:45
25 A No. I don't recall saying that to her; so I can't 1:45
say it happened or it didn't happen emphatically. 1:45
Q But you don't have any evidence to otherwise show 1:45
that you never said that; correct? 1:45
A I didn't say it in that meeting of May 6th, which is 1:45
5 documented here. That didn't -- certainly didn't take place 1:46
6 in that conversation which is documented here. That wasn't 1:46
7 the conversation. 1:46
8 Q It says here also that "If you intend to oversee a 1:46
9 tactical or field operation, you will respond to the scene 1:46
10 and assume command." Do you see that sentence? 1:46
11 A Yes. 1:46
12 Q Did you, in fact, tell Captain Meek -- either in 1:46
13 that meeting or at any point thereafter -- that you would be 1:46
14 responding out to the scene of any sort of tactical field 1:46
15 operation? 1:46
16 A I don't recall if I did, but that was normal 1:46
17 practice for me. I went to calls. 1:46

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18 Q So it would be entirely reasonable for you to have 1:46
19 made that statement if she asked you to be more present in 1:46
20 the field; correct? 1:46

21 A I don't know -- I don't recall making that statement 1:46
22 to her. Alls I can tell you is I responded to calls -- many 1:46
23 calls -- during regular work hours, off hours, and that was 1:46
24 never a problem. 1:46

25 Q In that same paragraph here, it says, again "In the 1:46
June 8, 2016, meeting with Chief Downing, you acknowledged 1:46
that" you had discussions with Captain Meek, stating that 1:47
"you were working not to 'micromanage' your supervisors." Do 1:47
you see that? 1:47

5 A I see that. 1:47

6 Q Okay. Did Captain Meek -- or strike that. Did you 1:47
7 acknowledge that you were working on not micromanaging your 1:47
8 folks? 1:47

9 A I don't remember saying that. 1:47

10 Q Do you recall ever anyone bringing up an issue that 1:47
11 you were micromanaging the people in your unit, at the Bomb 1:47
12 K-9 unit? 1:47

13 A I don't recall a specific instance where someone 1:47

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14 came to me and gave me this specific example or -- other than 1:47
15 that one issue I described with that one search at that one 1:47
16 location. 1:47

17 Q Well, have you heard anyone claim that they believe 1:47
18 you were a micromanager while you were an O.I.C. at the Bomb 1:47
19 K-9 squad? 1:48

20 A As far as rumors? 1:48

21 Q Yes. 1:48

22 A I don't know if I can specifically attribute that to 1:48
23 anybody telling me that or hearing that, but -- I'm thorough. 1:48
24 So if someone thinks I'm a micromanager -- 1:48

25 MR. SALUTE: Just answer his question. Do you recall 1:48
 hearing it or not -- 1:48

 THE WITNESS: I don't recall hearing that. 1:48

BY MR. KONG: 1:48

 Q So no one ever called you a micromanager? 1:48

5 A Not to my face. 1:48

6 Q Well, had you heard that people were saying that you 1:48
7 were a micromanager? 1:48

8 A I don't recall that. 1:48

9 Q But you don't deny that -- never hearing people call 1:48

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10	you a micromanager?	1:48
11	A Well --	1:48
12	MR. SALUTE: Wait a second. Objection. Argumentative.	1:48
13	Misstates testimony. Do you deny --	1:48
14	Can you read that back? What's the question again?	1:48
15	(Record read.)	1:49
16	MR. SALUTE: That's like three double-negatives. I don't	1:49
17	know.	1:49
18	BY MR. KONG:	1:49
19	Q Can you answer the question?	1:49
20	A I don't have a recollection of someone accusing me	1:49
21	of being a micromanager.	1:49
22	Q Did Captain Meek ever raise the issue at any point	1:49
23	in time during your tenure as O.I.C. that you tended to	1:49
24	micromanage people?	1:49
25	A Just that one meeting that we've discussed here at	1:49
	length today where she came down.	1:49
	Q You mean the one from May 6?	1:49
	A Yeah.	1:49
	Q Okay. So she did raise that issue with you during	1:49
5	that meeting.	1:49

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6 A No, I'm not saying that. I'm saying when she said 1:49
7 everybody hates me, stop sending stuff up, stop doing all 1:49
8 these things, that was -- that was the tenure of it. So 1:49
9 that's really the only conversation we had. We didn't have 1:49
10 that -- 1:50
11 MR. SALUTE: That's it; that's it. You've answered. 1:50
12 BY MR. KONG: 1:50
13 Q So going back, I just want to make sure we have this 1:50
14 clear. So based on that conversation you had with Captain 1:50
15 Meek, you formulated the understanding that she was telling 1:50
16 you that she believed that you were micromanaging your 1:50
17 people. 1:50
18 A No. I -- 1:50
19 MR. SALUTE: Objection. Misstates testimony. 1:50
20 Argumentative. 1:50
21 You can answer. 1:50
22 THE WITNESS: Yeah. No. I'm sorry if I led you to 1:50
23 believe that. This whole thing on micromanaging -- no one's 1:50
24 come to me and said, "You're a micromanager." In the office, 1:50
25 they said I've been a great manager. 1:50
 BY MR. KONG: 1:50

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Q Okay. And on the bottom of Exhibit 3, second page here, in handwriting, it says here "June 16, 2016." Do you recognize the handwriting here?

5 A On the front page or the back page?

6 Q Second page. I'm sorry. At the very bottom.

7 A That looks like -- well, it's Captain Meek who signed it; so --

9 Q It says here on June 16, "Lieutenant Garvin respectfully declined to initial the employee comment sheet. Stated he may or may not submit a response. Captain Sambar present. K. Meek, 24002." Do you see that?

13 A Yes.

14 Q And is that accurate based on your understanding about how you responded to this document?

16 A That's a portion of what I said in my response to them.

18 Q Okay. Now, I know you submitted a formal written response to this comment sheet; correct?

20 A Yes.

21 Q Okay. But as far as what she documents here in

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22 handwriting at the bottom of this second page, does that 1:51
23 accurately reflect basically how you planned to respond? 1:51
24 A Yes. I was very respectful, and I said, "I 1:51
25 respectfully decline to sign this...." 1:51
 Q Okay. Let me show you what's marked Exhibit 4. 1:51
 (Defendant's Exhibit 4 was marked for identification 1:51
 and is annexed hereto.) 1:51

 BY MR. KONG: 1:51

5 Q Do you recognize this document? 1:52
6 A Yes. 1:52
7 Q And what is this? 1:52
8 A My response to the comment sheet. 1:52
9 Q And the comment sheet that was marked as Exhibit 3; 1:52
10 correct? 1:52
11 A Yes. 1:52
12 Q Okay. And did you type this out on a personal 1:52
13 laptop or a computer? 1:52
14 A It would have been a computer. 1:52
15 Q And when did you prepare this document, 1:52
16 approximately? 1:52
17 A Sometime within the 30 days allowed to provide a 1:52

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18	response.	1:52
19	Q To the comment sheet?	1:52
20	A Yes.	1:52
21	Q Is that per policy?	1:52
22	A That's what -- yeah, I believe that's the policy. I	1:52
23	was given 30 days.	1:52
24	Q And it says here -- there's a date-stamp of July 13,	1:52
25	2016, down below. Do you see that?	1:52
	A Yes.	1:52
	Q Is that the approximate time that you submitted this	1:52
	response?	1:52
	A Yes.	1:52
5	Q And did you have any assistance in preparing this	1:52
6	response?	1:52
7	A No.	1:52
8	Q So you prepared this by yourself?	1:52
9	A Yes.	1:52
10	Q And what was the purpose for you preparing this	1:52
11	response?	1:52
12	A To respond to the comment card.	1:53
13	Q And what was the nature of your response to the	1:53

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14 comment card, or comment sheet? 1:53
15 A What I wrote. 1:53
16 Q I'm sorry? 1:53
17 A What I documented here. 1:53
18 Q Okay. So it says here in the first sentence, "I 1:53
19 respectfully disagree with employee comment sheet dated June 1:53
20 15, 2016." 1:53
21 A Yes. 1:53
22 Q Okay. Did you provide any other documentation in 1:53
23 support of your response? 1:53
24 A I don't believe so. 1:53
25 Q Is there some sort of grievance procedure at the 1:53
L.A.P.D. with respect to any issue having to deal with 1:53
working conditions? 1:53
A Not for comment cards. They're not grieve-able. 1:53
Q Okay. Did you receive any sort of response to your 1:53
5 response here that's marked as Exhibit 4? 1:53
6 A Yes. 1:53
7 Q Okay. What was the response you got? 1:53
8 A I was told I'd better retract it, and if I was 1:53
9 alleging I was being retaliated against, I was going to be 1:53

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10 charged with misconduct for not reporting it sooner. 1:54
11 Q And who said that to you? 1:54
12 A Captain Sambar and then-Commander Horace Frank. 1:54
13 Q So there was some sort of meeting between you, 1:54
14 Frank, and Sambar? 1:54
15 A Yes. 1:54
16 Q And when was that meeting, approximately? 1:54
17 A Sometime after this was submitted. 1:54
18 Q And how was that meeting set up? 1:54
19 A I had called then-Commander Frank's secretary and 1:54
20 asked to get on his calendar with the intension of trying to 1:54
21 work within my chain of command and talk to him about 1:54
22 everything that had been going on with what the captain had 1:54
23 been doing with me and try to work it out within the chain of 1:54
24 command and express my concerns, one-on-one. 1:54
25 Q I'm sorry? 1:54
A I'm sorry. One-on-one. 1:54
Q So you reached out to -- I'm sorry. It was 1:54
Commander Frank at the time? 1:54
A Yes. 1:54
5 Q And so you initiated this call to Commander Frank's 1:54

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6 office to set up this meeting to specifically talk about the 1:54
7 comment sheet? 1:54

8 A The comment sheet and everything that had been 1:54
9 leading up to it and my fears. 1:55

10 Q And where did the meeting take place? 1:55

11 A In his office. 1:55

12 Q Where was that? 1:55

13 A At the police headquarters, on the tenth floor. 1:55

14 Q Headquarters here off of First Street? 1:55

15 A Yes. 1:55

16 Q And at the meeting, who was present? 1:55

17 A Captain Sambar. 1:55

18 Q And, again, Captain Sambar was head of Major Crimes? 1:55

19 A Yes. 1:55

20 Q And how long was that meeting, approximately? 1:55

21 A I don't know. Maybe 20 minutes. 1:55

22 Q And who initiated the conversation during that 1:55
23 meeting? 1:55

24 A When I walked in the door, Commander Frank. 1:55

25 Q And what did you discuss with Commander Frank? 1:55

A When I walked in the door, Commander Frank held up a 1:55

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copy of my response and said, "Ray, you need to retract this. 1:55
You need to go back and change it." 1:55

And I sat down, and I said, "I'm sorry, sir. I 1:55
5 can't do that." And -- do you want me to describe more or -- 1:55

6 Q Well, let me ask you: Did Frank tell you why he was 1:56
7 telling you to retract or change it? 1:56

8 A No. 1:56

9 Q So he said, "Either retract it or change it"; 1:56
10 correct? 1:56

11 A Yeah. He says, "You need to retract it," or "You've 1:56
12 got to change this. You can't" -- "You need to change this." 1:56

13 And I said, "No. It's accurate what's going on." 1:56

14 Q Okay. So are you using your words, or were those 1:56
15 words that Frank had actually said? 1:56

16 A The exact words -- you know, I may get one jumbled 1:56
17 here and there, but he told me I needed to change it and I 1:56
18 needed to withdraw it. Whatever word he used, that's what he 1:56
19 told me. 1:56

20 Q So he -- I'm just trying to understand the logic of 1:56
21 this. So what you're saying is that Frank told you to change 1:56

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22 your response; right? 1:56

23 A Yes. 1:56

24 Q And what we're seeing here in Exhibit 4 is exactly 1:56

25 how you drafted and submitted it to your chain of command; 1:56

correct? 1:57

A Yes. This is what was submitted. 1:57

Q Okay. Who did you submit this response to 1:57

initially? 1:57

5 A I initially handed it to Captain Meek's secretary, 1:57

6 and I think she's the one that applied the date-stamp. And I 1:57

7 got a copy to prove that I had met the 30 days, and it would 1:57

8 have been processed to the captain. 1:57

9 Q And so it's safe to assume that after Captain Meek's 1:57

10 secretary received it, it was somehow forwarded to Commander 1:57

11 Frank. 1:57

12 A Yes. 1:57

13 Q Okay. You didn't submit a separate copy of this to 1:57

14 Commander Frank, did you? 1:57

15 A No. 1:57

16 Q Did you submit a separate copy to Captain Sambar? 1:57

17 A No. 1:57

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18 Q So when you met with Frank, he presented you with a 1:57
19 copy of your very response; correct? 1:57
20 A Yes. 1:57
21 Q And in that initial statement, he's telling you to 1:57
22 change it and then retract it. 1:57
23 A Yes. 1:57
24 Q I'm not trying to be argumentative. I'm just trying 1:57
25 to understand the logic of this. He's telling you to change 1:57
the document and then pull back the document. Is that 1:57
basically what he's telling you? 1:58
A Yes. Those were the options that he had discussed 1:58
right when I walked in the door. 1:58
5 Q Does that make any sense to you? 1:58
6 A I don't think -- well, I don't think anything that's 1:58
7 happened to me has made any sense, but -- that included. 1:58
8 Q I want to focus just on that particular instruction 1:58
9 he gave you. I want to ask you does it strike you as a bit 1:58
10 odd that Commander Frank would be telling you to retract a 1:58
11 document for which he's asking you to change? 1:58
12 A I don't know what was in his mind. You would have 1:58
13 to ask him. I can only tell you what he said and then how I 1:58

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14 was threatened in that same meeting. 1:58

15 Q Okay. When you say you were threatened, what 1:58
16 exactly was the threat? 1:58

17 A Captain Sambar said, "Right here, right now, are you 1:58
18 alleging you're the victim of retaliation? Because if you 1:58
19 are, we're going to charge you for not reporting that 1:58
20 misconduct earlier." 1:58

21 And I said, "I'm not saying yes; I'm not saying no. 1:58
22 I'm on a path to discovery." Those are my exact words, 1:58
23 because right there I felt, "I know what's going on here. 1:58
24 This is -- you know, this is a browbeat. They're trying to 1:59
25 get me to go back in a hole or whatever." And the whole 1:59
purpose was to share this with the commander and try to work 1:59
this out. That's all I wanted to do, and then I was 1:59
threatened, and that was it. 1:59

Q During the course of that meeting, it's true that 1:59
5 Frank did instruct you also, then, that for you to go back 1:59
6 and talk to Captain Meek about some of the issues which you'd 1:59
7 brought up in your response; correct? 1:59

8 A He told me, "Ray, you got to make the peace. You 1:59
9 got to go back and talk to her." 1:59

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10 And I said, "Okay. I'll try again. I'll go back," 1:59
11 and I did. 1:59
12 Q So Frank did in fact tell you to go make peace with 1:59
13 Captain Meek. 1:59
14 A He said to go back and "You got to make the peace," 1:59
15 I think were his exact words -- something. 1:59
16 Q And those were in fact his last instructions to you 1:59
17 at the conclusion of that meeting; correct? 1:59
18 A Among them, I guess, yeah. But that was -- that was 1:59
19 said in there. 1:59
20 Q And going back to some earlier testimony, it's 1:59
21 incumbent upon any officer within the L.A.P.D. to report any 1:59
22 misconduct; correct? 1:59
23 A Yes. 2:00
24 Q All right. And so, in fact, what Captain Sambar 2:00
25 told you in that meeting where he's telling you that if 2:00
 you're claiming retaliation, you've got to report it -- that 2:00
 is, in fact, true; correct? 2:00
 MR. SALUTE: Well, that misstates -- I'm going to object. 2:00
 That misstates his testimony. 2:00
5 But you can agree or disagree with that, however -- 2:00

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6 THE WITNESS: I disagree with how you're phrasing it. To 2:00
7 me, it was -- this wasn't about know your duty. This was 2:00
8 about -- this was telling me I needed to withdraw this, and 2:00
9 if I moved forward and say that I'm a victim of retaliation, 2:00
10 they're going to charge me with misconduct. It was a threat. 2:00
11 BY MR. KONG: 2:00
12 Q And so who exactly was threatening you in that 2:00
13 meeting? Was it Commander Frank or Captain Sambar? 2:00
14 A Well, they both were, because my meeting was with 2:00
15 Frank and then Sambar happened to be there, and they're 2:00
16 working together. I mean, my meeting wasn't with Sambar, 2:00
17 though. 2:00
18 Q So at that point, you did believe in your mind that 2:00
19 they were creating a hostile work environment for you? 2:01
20 A I was very afraid, and I felt that I was in a lot of 2:01
21 jeopardy. There was things going on behind the scene between 2:01
22 the captain and them and -- and -- and my life was miserable. 2:01
23 Q Did you report that incident to I.A. immediately 2:01
24 after that happened? 2:01
25 A I phoned the Inspector General. 2:01
 Q And who is the Inspector General? 2:01

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A I don't know who it was, but I spoke to Dave 2:01
Andrews, I believe is the name -- Detective Andrews there -- 2:01
and over the period of a week or two, I had several 2:01
5 conversations with him. Actually, I might have even called 2:01
6 him before that, but all right around that time. 2:01

7 And I had also phoned the -- I want to say Employee 2:01
8 Relations. I don't think it was the ombud's office, but I 2:01
9 think Employee Relations too. 2:01

10 Q And who did you speak with over at Employee 2:01
11 Relations? 2:01

12 A I think it was Detective Hartter. I think. Well, 2:02
13 that may be incorrect. 2:02

14 Q And what came out of your report to the Inspector 2:02
15 General's office? 2:02

16 A I had reported what was going on to me, sought 2:02
17 advice, and told them I wanted to try to work this out within 2:02
18 my chain of command because I hadn't done anything wrong and 2:02
19 if we could just talk. 2:02

20 And they said, "That's a pretty old-school way of 2:02
21 thinking." And I went and did it, and I reported back what 2:02

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22 it -- the results of it and that I was going to see how it 2:02
23 goes after that, and they said, "Okay." 2:02
24 Q Do you have documentation of any communications with 2:02
25 the I.G.'s office? 2:02
A No formal documentation. 2:02
Q Were your conversations with them strictly verbal? 2:02
A Yes. It was over the phone. 2:02
Q No emails? 2:02
5 A No. 2:03
6 Q And as far as the old-school way of dealing with it, 2:03
7 are you talking about parties just mutually talking through 2:03
8 the problem? 2:03
9 A Yeah. That was my impression, that they were 2:03
10 characterizing it as "Oh, you're taking the traditional -- 2:03
11 "you're actually trying to work it out with the people that 2:03
12 there's conflict with to try to resolve it in the workplace." 2:03
13 Q And that was, in fact, what you were trying to do; 2:03
14 correct? 2:03
15 A I just wanted to be left alone to do my job. 2:03
16 Q No, but you were, in fact, at the time undertaking 2:03
17 efforts to talk to the people in your chain of command and 2:03

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18 work things out. 2:03
19 A Absolutely. 2:03
20 Q And, in fact, you would agree with me that Frank 2:03
21 gave you that instruction in the course of that meeting; 2:03
22 correct? 2:03
23 A I would disagree with you on how you're 2:03
24 characterizing it, but he did make a statement in the meeting 2:03
25 like "You've got to work this out. Go talk" -- he wanted it 2:03
off his plate. He had this (indicating) and the comment 2:03
card. And he didn't like what I had written in the response, 2:03
and he wanted this to go away. 2:03
Q But it's correct that he did -- in the course of 2:03
5 that meeting with him in his office, he did tell you to go 2:03
6 make peace with Captain Meek. 2:04
7 A Yes. Something to that effect. 2:04
8 Q Okay. 2:04
9 MR. SALUTE: Can we take a break? 2:04
10 MR. KONG: Yeah. Do you want to take five, ten minutes? 2:04
11 MR. SALUTE: Yes. 2:04
12 MR. KONG: All right. Let's do that. 2:04
13 THE VIDEOGRAPHER: We're off the record. The time is 2:04

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14	2:04 P.M.	2:04
15	(Off the record.)	2:04
16	THE VIDEOGRAPHER: We're back on record. The time is	2:22
17	2:22 P.M.	2:22
18	BY MR. KONG:	2:22
19	Q All right. I'm going to show you what's marked as	2:22
20	Exhibit -- I think we're on number 5.	2:22
21	(Defendant's Exhibit 5 was marked for identification	2:22
22	and is annexed hereto.)	2:22
23	BY MR. KONG:	2:22
24	Q Just briefly take a look at this document.	2:22
25	A Okay.	2:23
	Q Are you ready?	2:23
	A Yes.	2:23
	Q Do you recognize this document?	2:23
	A Yes.	2:23
5	Q All right. Well, let me start off by asking do you	2:23
6	recognize the form of this document?	2:23
7	A It's a standards based assessment. Basically a	2:23
8	performance evaluation.	2:23
9	Q Right. And you've seen this document before in your	2:23

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10 career with L.A.P.D.; correct? 2:23
11 A Yes. 2:23
12 Q And can you just tell me, based on your knowledge 2:23
13 and experience with these documents, what a standards based 2:23
14 assessment form is? 2:23
15 A It's a performance evaluation. It's a management 2:23
16 tool to give, I guess, feedback to the employee about that 2:23
17 they met or exceeded the expectations for the year. 2:23
18 Q And have you had experience filling these documents 2:23
19 out for any of your subordinates? 2:23
20 A Yes. 2:23
21 Q And as the O.I.C. of the Bomb K-9 squad, did you, in 2:23
22 fact, fill out the standards based assessment forms for your 2:23
23 K-9 handlers? 2:23
24 A I have done so. 2:23
25 Q And this particular one marked as Exhibit 5, on the 2:23
first page, it shows that it's actually for you for the 2:23
period between October 16, 2015, to October 15, 2016. Do you 2:24
see that? 2:24
A Yes. 2:24
5 Q Do you recognize this particular -- and I'll call it 2:24

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6 the SBA form for short. Do you recognize this SBA? 2:24

7 A Yes. 2:24

8 Q Okay. And then I want to direct your attention to 2:24
9 page 4 of the SBA. The page number's noted at the upper 2:24
10 left-hand corner. And under "Signature," is that your 2:24
11 signature? 2:24

12 A Yes. 2:24

13 Q And did you sign this document and date it December 2:24
14 14th, 2016, acknowledging that you'd reviewed and received 2:24
15 this SBA? 2:24

16 A Yes. 2:24

17 Q And this particular SBA for this time period -- you 2:24
18 were overall rated as satisfactory; correct? 2:24

19 A Yes. 2:24

20 Q All right. And there's really only two overall 2:24
21 ratings on these SBA forms; isn't that correct? 2:24

22 A On the individual parts, yes. 2:24

23 Q Okay. It's either you're satisfactory or 2:24
24 unsatisfactory; right? 2:25

25 A For the overall rating, yes. 2:25

Q Okay. And on this form, again you were rated as 2:25

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satisfactory; correct?

2:25

A Yes.

2:25

Q And the captain who actually completed and signed

2:25

5 this form was Captain Kathryn Meek; right?

2:25

6 A Yes.

2:25

7 Q And it looks like she dated this document on or

2:25

8 around December 6, 2016. Do you see that?

2:25

9 A Yes.

2:25

10 Q And by that point in time, she would have been your

2:25

11 captain for approximately, give or take, eight or nine

2:25

12 months. Is that safe to say?

2:25

13 A Yes.

2:25

14 Q All right. And would you say that you agreed with

2:25

15 the fact that she rated you as satisfactory in the overall

2:25

16 rating?

2:25

17 A Yes.

2:25

18 Q All right. And in the middle --

2:25

19 MR. SALUTE: Oh, when you say -- does he agree with the

2:25

20 rating, or does he agree that that's how it is rated?

2:25

21 MR. KONG: No. Does he agree with the rating that he was

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22 rated as satisfactory -- the actual rating he was given? 2:25
23 THE WITNESS: The actual rating I was given says I was 2:25
24 satisfactory. 2:25
25 ///// 2:25
BY MR. KONG: 2:25
Q And do you agree with the rating you were given? 2:25
A Yes. That's the highest rating you could be given 2:26
overall. 2:26
5 Q All right. And so under the "Training Review" 2:26
6 section on page 4 -- 2:26
7 A Yes. 2:26
8 Q -- do you know what the training review section is 2:26
9 used for? 2:26
10 A It's supposed to document training an employee 2:26
11 received over the previous rating period and how relevant 2:26
12 that training was to their assignment. 2:26
13 Q Right. And prior to this particular SBA which 2:26
14 Captain Meek had signed off on, had she given you any sort of 2:26
15 SBAs prior to this? 2:26
16 A I don't believe so, no. 2:26
17 Q So is it safe to say that this would have been the 2:26

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18 first SBA form you ever received from Captain Meek? 2:26
19 A I believe so. 2:26
20 Q All right. And under "Training Review," there's a 2:26
21 question printed on the document. It says, "What training or 2:26
22 other learning experiences would you recommend for this 2:26
23 employee's performance and development plan?" Do you see 2:26
24 that question? 2:26
25 A I do. 2:26
Q And are you familiar with that question? 2:27
A Yes. 2:27
Q Okay. And that question is present on every single 2:27
form; correct? 2:27
5 A Yes. 2:27
6 Q And under that is typewritten, "Lieutenant Garvin 2:27
7 would benefit from additional courses in communications and 2:27
8 interpersonal skills to enhance his ability to interact more 2:27
9 effectively with his subordinates, peers, and law enforcement 2:27
10 partners." Do you see that? 2:27
11 A I do. 2:27
12 Q And did you review this, in fact, when you had 2:27
13 signed and dated this document? 2:27

9 there on everything. I don't think you can leave it blank. 2:28

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10 Q Okay. But have you had -- strike that. Did you 2:28
11 make it a practice to at least recommend something that one 2:28
12 of your subordinates could do to improve their performance 2:28
13 and development as a police officer? 2:28

14 A Yes. 2:28

15 Q And was it your intent that those officers would at 2:28
16 least consider it and try to help it somehow with their 2:28
17 career development? 2:28

18 A Yes. That's fair. 2:28

19 Q Okay. And in this particular instance, based on 2:28
20 what this said in that section, did you take to heart what 2:29
21 was recommended -- that you take additional courses in 2:29
22 communications and interpersonal skills? 2:29

23 A I took it to be that she could not rate me below 2:29
24 standard in any category because my performance had been 2:29
25 above standard and this was her only way of trying to 2:29
document something on this document that would potentially 2:29
harm me in future interviews or anything that would be 2:29
reviewed. That's how I received it. 2:29

Q Well, how do you know that this would have harmed 2:29
5 you in future interviews -- this particular comment? 2:29

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6 A Because to me, it was a read-between-the-line 2:29
7 message to any subsequent reviewer. 2:29

8 Q And when you say, "read-between-the-line message to" 2:29
9 a subsequent reviewer, what do you mean by that? 2:29

10 A Well, you write in here that "Lieutenant Garvin 2:29
11 would benefit from additional training in communications and 2:29
12 interpersonal skills and enhance his ability to interact more 2:29
13 effectively," you're basically telling people that he doesn't 2:30
14 interact effectively. 2:30

15 So I took this to be yet another thing that she was 2:30
16 doing, because my performance had been "Met or exceeded all 2:30
17 expectations," and this was the only way that she could do 2:30
18 something negative to me in any capacity, however bland you 2:30
19 put it, and that's what she did. 2:30

20 Q Okay. So there was nothing -- let me ask you -- let 2:30
21 me ask you this: Based on what she wrote here, though, about 2:30
22 you taking some additional courses in communications and 2:30
23 interpersonal skills, is it your testimony here today that 2:30
24 you don't believe that that was a fair recommendation? 2:30

25 A No, because if it was fair, she would have arranged 2:30
 for those courses, and there would have been other 2:30

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documentation to other counseling and a follow-up comment 2:30
card that said how I'm doing since our conversations. This 2:30
was -- this was -- it is what it is, what she wrote on the 2:30
document. 2:31

6 Q Well, it's true that we did see in a employee 2:31
7 comment sheet from June 15, 2016, I believe -- which is 2:31
8 marked as Exhibit 3 -- where it did document -- whether you 2:31
9 disagree with it or not, it did document that there were some 2:31
10 remarks made to you, comments made to you about your 2:31
11 interpersonal communication skills; correct? 2:31

12 A The short answer would be correct. 2:31

13 Q All right. I want to turn your attention to the 2:31
14 next couple pages. 2:31

15 A Go ahead. 2:31

16 Q I believe these are supervisors' supplement? 2:31

17 A After the signatures, yes. 2:31

18 Q Correct. And you're familiar with this supplement? 2:31

19 A Yes. 2:31

20 Q And is this -- are these supplement rating forms 2:31
21 completed for people in the position of a supervisor? 2:31

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22	A	Yes.	2:31
23	Q	Okay. And you recognize these documents, or these	2:31
24		pages?	2:31
25	A	Yes, I do.	2:31
	Q	All right. May I have Exhibit 5 back, please.	2:31
		Thanks.	2:32
		Now, at some point in time shortly after you	2:32
		received that rating form which is marked Exhibit 5, did you	2:32
5		become aware that there was a complaint investigation opened	2:32
6		on you by your subordinates?	2:32
7	A	What was the date on the -- can I look at it? What	2:32
8		was the date on that?	2:32
9	Q	Sure. I believe you signed those documents --	2:32
10	A	Oh, this is December of 2016 --	2:32
11	Q	Correct.	2:32
12	A	-- and you're asking whether I had become aware of a	2:32
13		complaint against me after that?	2:33
14	Q	Correct. Did you become aware of a complaint	2:33
15		initiated against you by several subordinates?	2:33
16	A	Yes.	2:33
17	Q	Right. And I believe that's a complaint that you	2:33

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18 had testified to earlier that had been filed by Leslie 2:33
19 Salinas; correct? 2:33
20 A Yes. Her and another officer. 2:33
21 Q And you also indicated that you're possibly aware of 2:33
22 a complaint that was initiated by Mark Sauvao. 2:33
23 A I think there was two complaints that I was named 2:33
24 in. Yeah. One -- yeah. 2:33
25 Q And do you know approximately when Mark Sauvao had 2:33
made his complaint? 2:33
A I don't remember the date. It would be on the 2:33
complaint form if you have it. 2:33
Q All right. So I'm going to show you what we'll mark 2:33
5 as Exhibit 6. 2:33
6 (Defendant's Exhibit 6 was marked for identification 2:33
7 and is annexed hereto.) 2:33
8 BY MR. KONG: 2:34
9 Q Do you recognize these four pages? 2:34
10 A Yes. It's a complaint form. 2:34
11 Q And have you seen this sort of form before? 2:34
12 A Yes. 2:34
13 Q And can you tell us, based on your experience 2:34

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14 working in the L.A.P.D., what this form is usually used for? 2:34

15 A Documenting complaints of potential employee 2:34
16 misconduct. 2:34

17 Q And just based on your knowledge about the complaint 2:34
18 procedure in the L.A.P.D., there's two varieties or flavors 2:34
19 of complaints; correct? There's personnel complaints 2:34
20 initiated by one member of personnel -- or one member of the 2:34
21 department against another member, and then there are those 2:34
22 complaints initiated by the public against a particular 2:34
23 officer; correct? 2:34

24 A And I would probably add a third category where a 2:34
25 department generated complaint for things like failing to 2:34
qualify or something like that where the department is the 2:34
actual complainant. 2:35

Q Okay. And so this particular complaint form we see 2:35
as Exhibit 6 -- when did you have the first opportunity to 2:35
5 see this specific form? 2:35

6 A I believe when I was interviewed by Internal Affairs 2:35
7 on it. 2:35

8 Q And did Internal Affairs provide you with a copy of 2:35
9 this complaint form? 2:35

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10 A I didn't have a take-home copy. I was allowed to 2:35
11 review it, you know, in my interview. 2:35

12 Q And during that interview, were you advised as to 2:35
13 who the accused -- or who the involved persons were? 2:35

14 A Well, I could read it on the face sheet; so, yes. 2:35
15 And then from the questions, I could gather, you know, what, 2:35
16 you know, the allegations were. So -- 2:35

17 Q And so based on the face sheet and the questions 2:35
18 that you were asked, it's safe to say that you had learned 2:35
19 that employees by the name of Leslie Salinas, Alberto Franco 2:35
20 had made certain complaints about you; correct? 2:35

21 A Yes. 2:35

22 Q And then I'm going to turn your attention to page 2 2:36
23 of the complaint form. 2:36

24 And actually, let me back up for a second. Let me 2:36
25 turn you back to page 1 of the complaint form. Down below 2:36
under a brief summary, there's a date there -- February 8, 2:36
2017. Do you see that? 2:36

 A Yes. 2:36

 Q Does that -- does that sound roughly about the time 2:36
5 that you believe this complaint was initiated? 2:36

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6 A That's what it's documented there. 2:36

7 Q Okay. Is that typically where the date's reflected 2:36
8 when the complaint is initiated, based on your knowledge 2:36
9 about how these forms are completed? 2:36

10 A Yes, when it's reported. 2:36

11 Q Okay. And this particular instance, it looks like 2:36
12 the supervisor that was involved in taking the complaint was 2:36
13 Captain Meek; correct? 2:36

14 A Yes. 2:36

15 Q And do you recall if there were any other involved 2:36
16 persons in this complaint, other than Salinas or Franco? 2:36

17 A I believe an Officer Phernsangnam. I'm going to 2:36
18 have to write it down. P-h-e-r-m-s-a-n-g-n-a-m. 2:37

19 Q And I believe Officer Phernsangnam -- he's got a 2:37
20 nickname in the department. I think a lot of people call him 2:37
21 P-12? 2:37

22 A He refers to himself as P-12. 2:37

23 Q Okay. Just for simplicity, let's just call him 2:37
24 P-12 -- Officer P-12. 2:37

25 A Okay. 2:37

Q All right. So you believe Officer P-12 also was 2:37

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another involved person in this complaint?

2:37

A I believe there was an -- it may have been an allegation from him when they did the investigation, but he was interviewed in the investigation. I remember that at least.

2:37

2:37

2:37

2:37

Q And so I'm going to again direct your attention to page 2 of Exhibit 6. And this is -- this document on page 2 is entitled, again, "Complaint Form." This is typically the section where someone fills out basically a summary of what complaint or allegations are being made against the accused officer or officers; correct?

2:37

2:37

2:37

2:38

2:38

2:38

A Yeah. It's a summary.

2:38

Q Okay. And in this particular instance, when you reviewed -- did you have an opportunity to review page 2 during your interview by I.A.?

2:38

2:38

2:38

A I believe so. I don't know that I looked at it, like, in depth. It was -- you know. But, yes, I was given a copy of this to look at.

2:38

2:38

2:38

Q And so based on the copy you looked at and the information you got and the questions you were asked from

2:38

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22 I.A., is it correct that you were notified that on or around 2:38
23 early February, 2017, you were being accused of making some 2:38
24 sort of inappropriate comments to Officer Franco when you 2:38
25 called Franco a, quote, unquote, "motherfucker" while 2:38
discussing Franco's K-9 certification? 2:38

A Yes. That was an allegation that's listed here. 2:39

Q And another allegation which you became aware of 2:39
also was that you had made inappropriate comments to Officer 2:39
5 Salinas when you learned that she was going to have another 2:39
6 child, to which you responded, quote, unquote, "You know how 2:39
7 Mexican girls are." 2:39

8 A That is what was alleged. 2:39

9 Q And then also you were alleged -- or you became 2:39
10 aware that it was alleged that -- that when, I guess, Officer 2:39
11 Salinas was going to return back from baby-bonding leave 2:39
12 after she delivered her child, that you told Salinas that her 2:39
13 being on baby-bonding would hurt deployment. 2:39

14 A If that's what's documented there, that was an 2:39
15 allegation. 2:39

16 Q Okay. Did you, in fact, learn of that allegation 2:39
17 when you reviewed this document? And -- 2:39

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10	and is annexed hereto.)	2:42
11	BY MR. KONG:	2:42
12	Q Do you recognize the form of this document?	2:42
13	A This is a complaint adjudication form.	2:42
14	Q And can you, just based on your knowledge and	2:42
15	experience with the complaint process at the L.A.P.D.,	2:42
16	describe what an adjudication form is.	2:42
17	A It documents the recommended adjudication through	2:42
18	the chain of command for a allegation against an employee.	2:42
19	Q And do you recognize seeing this form before?	2:42
20	A Yes.	2:42
21	Q And this one's for you; correct?	2:42
22	A Yes.	2:42
23	Q And this is in relation to the complaint which we	2:42
24	just covered that was documented in Exhibit 6; correct?	2:42
25	A If the C.F. numbers match, I would say yes.	2:42
	Q Yeah. Why don't you take a look at Exhibit 6?	2:42
	A Yeah, they appear to match.	2:42
	Q Yeah. And the C.F. number referenced here is 17,	2:42
	dash, 000419; correct?	2:43
5	A Yes.	2:43

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6 Q All right. Now, going to the middle of the document 2:43
7 here under "Adjudication Summary," there's several columns. 2:43
8 Do you see that? 2:43

9 A Yes. 2:43

10 Q And they say various things, but the two of the 2:43
11 columns I want to focus on are the columns that say, "Not 2:43
12 Resolved" and "Unfounded." Do you see that? 2:43

13 A Yes. 2:43

14 Q So let me just ask you: If Internal Affairs does an 2:43
15 investigation and they find that there is sufficient evidence 2:43
16 to show that misconduct did -- the accused misconduct did, in 2:43
17 fact, happen based on witness statements and other evidence 2:43
18 gathered -- 2:43

19 THE REPORTER: I'm sorry. Could you -- 2:43

20 MR. KONG: Sure. I'm sorry. Let me back up. 2:43

21 Q So based on your knowledge about these adjudication 2:43
22 forms, when Internal Affairs does an investigation and they 2:43
23 find evidence showing that the misconduct alleged did in fact 2:43
24 occur, what adjudication is made? 2:43

25 A That would be a sustained allegation. 2:44

Q Okay. And what does an adjudication of "Not 2:44

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Resolved" mean to you?

2:44

A It means the department concluded they could not
prove or disprove the allegation.

2:44

2:44

5 Q And what about "Unfounded?"

2:44

6 A "Unfounded" means the misconduct did not take place.

2:44

7 Q What about "Exonerated?"

2:44

8 A It means the alleged conduct took place, but it was
9 legally permissible.

2:44

2:44

10 Q Okay. So, now, directing your attention

2:44

11 specifically to the contents of Exhibit 7, do you recognize

2:44

12 seeing this actual adjudication form for you at some point in
13 time in the past?

2:44

2:44

14 A Yes.

2:44

15 Q And do you recall exactly when you first saw this
16 document?

2:44

2:44

17 A It would have been when I was served it. Would have
18 been when I was served it.

2:44

2:44

19 Q And down below, it appears that it was signed by
20 Kathryn Meek on or around February 1st, 2018; correct?

2:44

2:44

21 A Yes, it does.

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22 Q And who served this document on you? 2:45
23 A I believe it was Captain Meek. 2:45
24 Q Okay. And you also recognize that there's another 2:45
25 signature below hers by the Bureau Commanding Officer, Horace 2:45
Frank. Do you see that? 2:45
A Yes. 2:45
Q And in this document, it states in effect that 2:45
allegations 1, 2, 4, and 5 were found not resolved as against 2:45
5 you; correct? 2:45
6 A Yes. 2:45
7 Q And that allegations 3 and 6 were found unfounded 2:45
8 against you; correct? 2:45
9 A Yes. 2:45
10 Q All right. I want you to keep those exhibits in 2:45
11 front of you. Show you what's marked as Exhibit 8. 2:45
12 (Defendant's Exhibit 8 was marked for identification 2:45
13 and is annexed hereto.) 2:45
14 BY MR. KONG: 2:45
15 Q Do you recognize Exhibit 8? 2:46
16 A Yes. 2:46
17 Q What is this document? 2:46

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18 A This is an -- basically, it's a form used to -- 2:46
19 during the Skelly process to show that you provided the 2:46
20 accused employee a copy of the investigation. And there's a 2:46
21 number of boxes to initial by the employee if they intend to 2:46
22 submit a response and to acknowledge they actually got a copy 2:46
23 of the investigation. 2:46
24 Q And on this particular document, this was a Skelly 2:46
25 document provided to you; correct? 2:46
 A Yes. 2:46
 Q And, again, this is for the same investigation which 2:46
 we're talking about right now; right? 2:46
 A Yes. 2:46
5 Q And this is signed both by yourself and Captain Meek 2:46
6 on or about February 6 of 2018; is that correct? 2:46
7 A Yes. 2:46
8 Q And in the middle of the document, it says here that 2:46
9 "The employee shall initial the boxes that apply." And are 2:46
10 those your initials in those boxes? 2:47
11 A Yes. 2:47
12 Q And so it indicates here that you did receive the 2:47
13 investigation materials; correct? 2:47

15	Q	What did that consist of?	2:47
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20	Q	Okay. And then there's another box down below that	2:47
21		says that you were informed of your right to representation	2:47
22		prior to discussing this matter; correct?	2:47

24	Q	And was it Captain Meek that informed you of that	2:47
25		right?	2:47

5	Q	And then in the right, you initialed the box saying	2:47
6		that you intended to submit a response.	2:47

8	Q	And did you?	2:47
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9	A	I did not, I don't believe.	2:47
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10 Q And why not? 2:47

11 A Because I had lost faith in the organization and 2:48
12 specifically those people that would be reviewing the Skelly 2:48
13 response. And I decided that I needed to -- to protect 2:48
14 myself and assert my rights by other means. 2:48

15 Q Well, in Exhibit 8 -- part of Exhibit 8 is a notice 2:48
16 to provide the employee of some sort of proposed disciplinary 2:48
17 action; correct? 2:48

18 A Yes. That's -- there's actually another page -- oh, 2:48
19 actually, no. You have it right. This is an attachment to 2:48
20 this (indicating). Go ahead. 2:48

21 Q Right? Part of Exhibit 8 -- part of this form is to 2:48
22 provide a notice to the employee or the accused employee of 2:48
23 some sort of proposed disciplinary action; is that correct? 2:48

24 A Yes. 2:48

25 Q And was there any sort of proposed disciplinary 2:48
action of you, based on this investigation? 2:48

A I had already been removed from my position, 2:49
downgraded, stripped of my supervisory abilities with loss of 2:49
pay prior to the adjudication. And then as far as this 2:49
5 adjudication, nothing else changed at that point. 2:49

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6 Q Right. Because at this -- by this point in time -- 2:49
7 this is about -- what? -- six or seven months after you had 2:49
8 been -- or actually probably closer to a year since you had 2:49
9 been transferred out; correct? 2:49

10 A Yeah. Yes. 2:49

11 Q All right. And so when you submitted this, did 2:49
12 you -- when you initialed that you are going to submit a 2:49
13 response, did you in fact intend to submit a response? 2:49

14 A I was thinking about it at that point, but I wanted 2:49
15 to preserve my right to do so -- my 30 days to do so. So 2:49
16 that's why I initialed it. 2:49

17 Q And in 30 days, you didn't submit a response, did 2:49
18 you? 2:49

19 A No. 2:49

20 Q But the response would have been -- well, strike 2:49
21 that. But you could have submitted a response contesting 2:49
22 basically the discipline that you had received prior to 2:49
23 signing this form; correct? 2:50

24 A Yes. I could have submitted a response to that. 2:50

25 Q But you didn't; correct? 2:50

A I did in the form of a lawsuit prior to this 2:50

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adjudication, but not through this means, no.

2:50

Q All right. Let me show you what's marked as
Exhibit 9.

2:50

2:50

5 (Defendant's Exhibit 9 was marked for identification
6 and is annexed hereto.)

2:50

2:50

7 BY MR. KONG:

2:50

8 Q Now, Exhibit 9 is going to be a redacted version of
9 a letter of transmittal related to C.F. 17-000419. And I'll
10 explain here that, for the record, that the reason why it's
11 redacted, the redacted portions pertain to allegations or
12 information pertaining to another officer who I believe was
13 investigated as part of this investigation. Okay?

2:50

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2:51

2:51

14 A Yes.

2:51

15 Q All right. In fact, you were not the only accused
16 officer in this C.F.; correct?

2:51

2:51

17 A Yes. I believe there was one, maybe two others but
18 at least one.

2:51

2:51

19 Q And to the extent -- I don't want to disclose or
20 identify those officers.

2:51

2:51

21 A I won't.

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22 Q Okay. But, really, the purpose of why I'm 2:51
23 introducing this L.O.T., or letter of transmittal, to you is 2:51
24 so that we can at least get an understanding of the 2:51
25 allegations -- specific allegations for which you were 2:51
adjudicated on. 2:51

A Yes. The final allegations. 2:51

Q Right. And just to refresh your recollection again, 2:51
the allegations that pertained to you were 1, 2, 3, 4, 5, and 2:51
5 6; correct? 2:51

6 A Yes. 2:51

7 Q All right. And, again, going back through this 2:51
8 L.O.T., do you recall receiving a copy of this L.O.T., an 2:51
9 unredacted version of this L.O.T.? 2:52

10 A Yes. 2:52

11 Q All right. And on the first page of Exhibit -- 2:52
12 I'm sorry. What exhibit did I put this as? 9? 2:52
13 -- it identifies or lists the allegations against 2:52
14 you; correct? 2:52

15 A Yes. 2:52

16 Q All right. You remember seeing these allegations at 2:52
17 some point in time in the past -- 2:52

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18 A Yes. 2:52
19 Q -- when you received this document; right? 2:52
20 A Yes. 2:52
21 Q And the first allegation was that the Complainant 2:52
22 Franco had accused you of improperly saying, "Fuck that 2:52
23 motherfucker. I can't believe he did that to me, that 2:52
24 pineapple head. He fucked up my deployment," when referring 2:52
25 to Officer Sauvao. 2:52
 A Yes. That's what's listed. 2:52
 Q Right. And as with the rest of the allegation, that 2:52
 was marked as "Not resolved" against you; correct? 2:52
 A Yes. That was the classification. 2:52
5 Q Okay. The second allegation alleged that you, while 2:52
6 on duty, made an improper racial remark when you said, quote, 2:53
7 "That little Jap embarrassed" me -- "embarrassed our unit," 2:53
8 end quote, referring to an Officer Getherall. Do you recall 2:53
9 that allegation? 2:53
10 A I recall that allegation. 2:53
11 Q And that allegation was not resolved against you 2:53
12 either; correct? 2:53
13 A That's correct. 2:53

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14 Q And then there was another allegation, this time 2:53
15 number 4, where again Complainant Franco alleged on some 2:53
16 unknown date that you, while on duty, made an improper remark 2:53
17 where you told Franco, quote, "Now you can be my Jose in your 2:53
18 new truck and come mow my lawn," end quote. You recall being 2:53
19 aware of that allegation; correct? 2:53
20 A Yes. 2:53
21 Q And you recall that that allegation was also found 2:53
22 not resolved as against you; correct? 2:53
23 A Yes. 2:53
24 Q And, finally, there was another allegation, 2:53
25 allegation number 5, where Franco again alleged on some 2:53
unknown date that you, while on duty, made an improper remark 2:53
when you asked if Salinas was going to have more children, 2:53
you stated, quote, "You know how Mexican women are. She's 2:54
probably going to have another one," end quote. You were 2:54
5 made aware of that allegation; correct? 2:54
6 A Yes. 2:54
7 Q And you also became aware that allegation was not 2:54
8 resolved as well; correct? 2:54
9 A Yes. 2:54

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10 Q And there were two additional allegations made 2:54
11 against you which were deemed unfounded; isn't that correct? 2:54
12 A Yes. 2:54
13 Q And that's allegation 3 and allegation 6; correct? 2:54
14 A Yes. 2:54
15 Q Allegation 3, it was accused of you that on 2:54
16 January 9, 2017, you had called Franco a motherfucker; 2:54
17 correct? 2:54
18 A Yes. That's what it says. 2:54
19 Q And then in allegation 6, it states that Salinas had 2:54
20 accused you, while on duty, that you treated her 2:54
21 inappropriately in direct response to her utilizing her 2:54
22 baby-bonding leave; correct? 2:55
23 A Yes. 2:55
24 Q All right. And the person who adjudicated the 2:55
25 investigation was, in fact, Captain Meek; isn't that correct? 2:55
MR. SALUTE: Well, it's argumentative. Misstates 2:55
testimony. May call for speculation. 2:55
But you can answer. 2:55
THE WITNESS: It normally is adjudicated by the 2:55
5 commanding officer of the division. May or may not delegate 2:55

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6 the actual writing of the document to someone else. 2:55

7 BY MR. KONG: 2:55

8 Q Right. But I want to direct your attention to 2:55
9 Exhibit 7. In Exhibit 7 on the complaint adjudication form, 2:55
10 it would appear that Captain Meek was a division commanding 2:55
11 officer who signed off on the adjudication, showing that at 2:55
12 least -- showing that allegations 1, 2, 4, 5 were not 2:55
13 resolved against you and that 3 and 6 were unfounded against 2:55
14 you; correct? 2:55

15 A Yes. 2:55

16 Q And that, in fact, Horace Frank was the Bureau 2:55
17 commanding officer who also authorized the adjudication; 2:56
18 correct? 2:56

19 A Yes. 2:56

20 Q All right. Now, following that -- I'm sorry. Going 2:56
21 back in time -- I'm going to go back before the L.O.T. 2:56
22 adjudication. Going back to right after the complaint by 2:56
23 Salinas, Franco, and possibly some other officers against 2:56
24 you, were you then the subject of some sort of reassignment? 2:56

25 A Yes. 2:56

Q Okay. And how did you become aware -- first aware 2:56

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that you were being reassigned?

2:56

A I was asked to come down to meet I believe with the
captain and might have been Commander Frank or -- yeah, I
believe Commander Frank.

2:57

2:57

2:57

Q And did you have a one-on-one meeting with
Commander Frank?

2:57

2:57

A No. That was both of them and myself.

2:57

Q I'm sorry. Who was in the meeting --

2:57

A I believe it was Meek and Frank.

2:57

Q And where did the meeting take place?

2:57

A I believe it was at the headquarters.

2:57

Q It was at Commander Frank's office?

2:57

A Yes.

2:57

Q Was Sambar there?

2:57

A No.

2:57

Q And who set the meeting up?

2:57

A I don't know. I was contacted to meet them there
and not told the purpose of the meeting. I thought it was
something K-9 related.

2:57

2:57

2:57

Q And how long was the meeting?

2:57

17	said what, but this was both of them meeting with me.	2:58
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18 Q Did they hand you any documents at that meeting? Do 2:58
19 you recall? 2:58

20 A I don't think I received any documents in that 2:58
21 meeting. 2:58

22 Q Was there any sort of follow-up meeting to that 2:58
23 meeting? 2:58

24 A Months later -- well, maybe not even months. Maybe 2:59
25 a month. There was a subsequent meeting where I was called 2:59
back in, and I believe it was Captain Meek and Commander 2:59
Fontanetta -- or maybe Captain Fontanetta at the time -- 2:59
F-o-n-t-a-n-e-t-t-a. And I was told -- 2:59

MR. SALUTE: You've answered the question. 2:59

5 THE WITNESS: Go ahead. 2:59

6 MR. KONG: Okay. I'm going to show you what's marked as 2:59
7 Exhibit 10. 2:59

8 (Defendant's Exhibit 10 was marked for 2:59
9 identification and is annexed hereto.) 2:59

10 BY MR. KONG: 2:59

11 Q Do you recognize this document? 2:59

12 A Yes. 2:59

13 Q Now, this document is what they call a Form 15, dot, 2:59

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14	2 -- .2, or 15.2 --	2:59
15	A Right.	2:59
16	Q -- in department parlance. It's an	2:59
17	interdepartmental correspondence. This is like an internal	2:59
18	memo; right?	2:59
19	A Yeah. It's correspondence.	2:59
20	Q And it's dated March 2nd, 2017. Do you see that in	2:59
21	the upper left-hand corner?	3:00
22	A Yes.	3:00
23	Q And I'll submit to you that this document is	3:00
24	submitted to you, or addressed to you, and it's from the	3:00
25	commanding officer at E.S.D.; correct?	3:00
	A Yes.	3:00
	Q The commanding officer on or around March 2nd, 2017,	3:00
	was Captain Meek; correct?	3:00
	A Yes.	3:00
5	Q Do you recall if that meeting with Commander Frank	3:00
6	and Captain Meek at the headquarters office took place on or	3:00
7	around March 2nd of 2017?	3:00
8	A I don't remember what the date was for that meeting.	3:00
9	Q Do you recall how you received this document, or a	3:00

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10 copy of this document? 3:00

11 A It was served to me in a meeting. 3:00

12 Q And who was in that meeting? 3:00

13 A Captain Meek, and it would have been either 3:00

14 Commander Frank or Captain Fontanetta. 3:00

15 Q Down below in this correspondence, it looks like 3:00

16 it's your signature, dated March 9, 2017. Do you see that? 3:00

17 A Yes. 3:00

18 Q Is that your signature? 3:00

19 A Yes. 3:00

20 Q Does this refresh your recollection of having some 3:00

21 sort of meeting with Captain Meek and/or Frank and/or 3:00

22 Fontanetta on around March 9, 2017? 3:01

23 A Yes. 3:01

24 Q Okay. And what do you recall about the meeting? 3:01

25 A Well, in the meeting that I received this document, 3:01

I was given the document to suspend all my supervisory duties 3:01

and not act in any capacity as a supervisor, or it would be 3:01

deemed insubordination. 3:01

And what I don't -- I don't know if this document -- 3:01

5 there was two meetings, one to transfer me on paper and one 3:01

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6 to downgrade me. So I'm not sure which one this was 3:01
7 presented. But as far as this document, that's -- that's 3:01
8 what the message was on that -- "You can't be a supervisor, 3:01
9 and if you act in that capacity, you'll be charged with 3:01
10 insubordination." 3:01

11 Q And when you say that you were told that it would be 3:02
12 insubordination, who said that? 3:02

13 A I believe it was Captain Meek. 3:02

14 Q Do you have any evidence of her actually saying that 3:02
15 it would be insubordination for you to perform supervisory 3:02
16 functions? 3:02

17 A Yeah. It's written right in this document that -- 3:02
18 at the bottom on the acknowledgment, it says I'd been given a 3:02
19 direct order not to perform any -- 3:02

20 THE REPORTER: I'm sorry? 3:02

21 THE WITNESS: I'm sorry. 3:02

22 -- any supervisory duties. That's -- and it would 3:02
23 be deemed insubordination. It's on the actual document. 3:02

24 BY MR. KONG: 3:02

25 Q And so when you signed this, you signed it 3:02
indicating that you read and understood what the instructions 3:02

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and order entailed; correct?

3:02

A Yes.

3:02

Q All right. And after receiving this document, did
5 you reach out and talk to anyone else, other than Captain
6 Meek or anyone else in your command staff above you, about
7 this document?

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8 A I believe I spoke with Captain Fontanetta, who was
9 in charge of the Police-Fire World Olympics that I would be
10 transferred to and expressed my concerns "How can I, as a
11 Lieutenant II, come over there and be stripped of any
12 supervisory powers? What possible job could I be given?"

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13 Q And is it your belief that you had this
14 communication with Fontanetta on or around early March of
15 2017?

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16 A It was when I was transferred over there. So if
17 that was -- whatever date it was that I was transferred over
18 to the Police and Fire Olympics would have been the --

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19 Q I'm going to show you what's marked as Exhibit 11.
20 (Defendant's Exhibit 11 was marked for
21 identification and is annexed hereto.)

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22 BY MR. KONG: 3:03

23 Q Do you recognize this document? 3:03

24 A Yes. This is the initial request for reassignment. 3:03

25 Q And did you receive this document during some sort 3:04
of meeting with members of command staff above you? 3:04

A Yes. This would have been given to me in the first 3:04
of the meetings where I was told of the complaint, that I was 3:04
being resigned, "pack your bags." 3:04

5 Q Okay. So is it your belief based on seeing Exhibit 3:04
6 11, that this was one of the first documents you received in 3:04
7 those meetings with Captain Meek and Commander Frank? 3:04

8 A Yeah. Whatever the first meeting was, this would 3:04
9 have been the -- the first step was the reassignment, and 3:04
10 then the subsequent meeting was the "We're now going to 3:04
11 downgrade you." 3:04

12 Q I see. What about Exhibit 10, the assignment to 3:04
13 non-supervisory duties? 3:04

14 A It appears that these were both given to me the same 3:04
15 day. They're dated the same. So I think this -- these two 3:04
16 were given to me -- the suspension of the supervisory duties 3:04
17 and the reassignment was the first, and then the subsequent 3:04

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18 meeting, "You're being downgraded." 3:05

19 Q Okay. And so in Exhibit number 11, did you have an 3:05

20 opportunity to review this document during the meeting? 3:05

21 A Yes. 3:05

22 Q And was it made known to you that you were the 3:05

23 subject of a personnel complaint involving a hostile work 3:05

24 environment that was being investigated in a report number 3:05

25 17, dash, 000419 in that meeting? 3:05

A Yes. 3:05

Q Was that the first time you learned that there was a 3:05

I.A. investigation against you for having allegedly created a 3:05

hostile work environment? 3:05

5 A Yes, I believe so. 3:05

6 Q And in this document, it states that it was 3:05

7 specifically alleged that you had yelled at and made 3:05

8 inappropriate comments to subordinates. Was this the first 3:05

9 time you learned of the nature of the allegations against you 3:05

10 with respect to the hostile work environment? 3:05

11 A Yes. 3:05

12 Q And did Captain Meek and/or Commander Frank, in 3:05

13 fact, tell you verbally also what the nature of the 3:06

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14 investigation entailed? 3:06

15 A No. It was just the generalities and "We're doing 3:06

16 this for your protection" and, you know, "This is great for 3:06

17 you. We're going to" -- you know, "It'll be okay." 3:06

18 Q Now in here in Exhibit 11, they cite department 3:06

19 manual section 3, slash, 763.72. Do you see that? 3:06

20 A Yes. 3:06

21 Q Do you know what that section covers? 3:06

22 A I believe that section covers reassignments, 3:06

23 downgrades of lieutenants. 3:06

24 Q And also in this form, it indicates that you were 3:06

25 advised on March 9, 2017, regarding your right to provide a 3:06

written response. And you did in fact submit a written 3:06

response; correct? 3:06

A That was -- no, I don't believe I did. I think the 3:06

only written response I've ever done was to that comment 3:07

5 card. 3:07

6 Q Okay. Before I show you the next document, in this 3:07

7 document it also says that "The request was discussed with 3:07

8 Detective Candice Guzman." Do you know who Candice Guzman 3:07

9 is? 3:07

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10	A	I don't.	3:07
11	Q	Have you had any communications with any Detective	3:07
12		Guzman via email or by telephone?	3:07
13	A	Not to my knowledge as I sit here today. Doesn't	3:07
14		ring a bell.	3:07
15	Q	Do you recall ever reaching out to Employee	3:07
16		Relations Group after receiving Exhibit 11?	3:07
17	A	I don't specifically remember. It could have	3:07
18		happened to try to investigate what my options were, but I	3:07
19		don't think I did.	3:07
20	Q	Okay. And I want you to keep Exhibit 11 there in	3:07
21		front of you. I'm going to show you what's marked as	3:07
22		Exhibit 12 real quick.	3:08
23		(Defendant's Exhibit 12 was marked for	3:08
24		identification and is annexed hereto.)	3:08
25		/////	3:08
		BY MR. KONG:	3:08
	Q	Do you recognize Exhibit 12?	3:08
	A	This is a -- appears to be a receipt to show that I	3:08
		had received the documents informing me that I was -- the	3:08
5		intent was to downgrade me.	3:08

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6 MR. SALUTE: He's just asking, "Do you recognize it?" 3:08

7 THE WITNESS: Yes. That's what I recognize it as. 3:08

8 BY MR. KONG: 3:08

9 Q Okay. And that's your signature there under -- or 3:08
10 above "Employee's Signature," dated March 9th, 2017; correct? 3:08

11 A Yes. 3:08

12 Q And is this a receipt of the documents that we just 3:08
13 covered? A receipt of a -- I'm sorry. Is this a receipt 3:08
14 acknowledging that you received the documents which we just 3:08
15 covered, which are Exhibits 10 and 11? 3:08

16 A It appears to be that. 3:09

17 Q Okay. I'll show you what's marked Exhibit 13. 3:09

18 MR. SALUTE: I don't think that's true, but -- 3:09

19 (A discussion was held off the record between the 3:09
20 witness and his counsel.) 3:09

21 MR. SALUTE: Okay. So why don't you express that? 3:09

22 THE WITNESS: On the 15.2, your Exhibit 11 -- 3:09

23 BY MR. KONG: 3:09

24 Q Sure. 3:09

25 A -- on the second page, there's a few other documents 3:09
that are listed that would have gone with it -- the 3:09

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performance evaluations and things like that. It would have
been attached to this document.

Q Okay. So you're looking at page 2 of Exhibit 11.

5 A Yeah.

6 Q And so it says here attached with that was "Original
7 signed request acknowledgment form."

8 A Right.

9 Q So is Exhibit 12, which I just showed you -- is that
10 the acknowledgment form which you signed?

11 A Yes, I did sign that form.

12 Q Okay. So Exhibit 12 would be that acknowledgment
13 form that's listed in Exhibit 11; right?

14 A Yes.

15 Q All right. I'll show you what's marked Exhibit 13.

16 (Defendant's Exhibit 13 was marked for
17 identification and is annexed hereto.)

18 BY MR. KONG:

19 Q Do you recognize this document?

20 A Yes, I do.

21 Q All right. This appears to be a typewritten note

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22 from you and then a response from someone named "Kathy." So 3:10
23 let me just cover the first half of this document, 3:10
24 Exhibit 13. 3:10

25 Am I correct in assuming that this was some sort of 3:10
response or statement from you to Kathryn Meek? 3:11

A With a downgrade, you're given a period of time to 3:11
request -- to appeal it or whatnot and to preserve that -- 3:11
this is -- it appears to be an email that I had generated. 3:11

5 Q Do you know how this document was created? 3:11

6 A I believe I wrote it in an email. 3:11

7 Q And what email account were you using at the time? 3:11

8 A It would have probably been -- I don't know. It 3:11
9 would have probably been my police department email account. 3:11

10 Q Did you have a personal email account as well? 3:11

11 A I have a personal email account. 3:11

12 Q And what's the email address that you would have had 3:11
13 at this time? 3:11

14 A My personal one? 3:11

15 Q Yes. 3:11

16 A Rg4pc@MSN, dot-com. 3:11

17 Q And as you see the document presented in Exhibit 13, 3:12

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18 did you actually create this document? 3:12

19 A Yes, I believe I did. 3:12

20 Q Okay. 3:12

21 A Yes, I did. 3:12

22 MR. SALUTE: Excuse me. Wait a second. Part of it; 3:12

23 correct? You didn't create the lower part. 3:12

24 THE WITNESS: No, I did not create the lower part. 3:12

25 MR. SALUTE: Okay. 3:12

BY MR. KONG: 3:12

Q Did you -- just entertain me here. I mean, as far 3:12

as emails, I think we all generally know how emails look when 3:12

you print them out. There's usually a "To" and "From," 3:12

5 "Subject" column or rows up at the very top. 3:12

6 A Right. 3:12

7 Q And in this particular instance, we don't see that. 3:12

8 So I'm wondering did you at some point cut-and-paste an email 3:12

9 that you had sent to Captain Meek into some sort of Word 3:12

10 document? 3:12

11 A I'd be speculating. I don't know -- this is 3:12

12 something that you've generated to me. It looks consistent 3:12

13 with something that I wrote. Maybe I wrote it in a Word 3:12

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14 document attached, and that was printed out with the 3:13
15 response, and so you wouldn't have the email. But I'd be 3:13
16 speculating on why it's formatted that way. 3:13

17 Q Okay. And so -- so looking at this, then -- again, 3:13
18 I'm just looking at the portion where it's addressed to 3:13
19 "Captain" and then where you sign it as "Ray Garvin" -- the 3:13
20 first half of it. Was this in response to Exhibit 11? 3:13

21 A It's in response to the downgrade; so -- and the 3:13
22 Exhibit 11 is the reassignment. I think the downgrade was -- 3:13
23 came a little bit later. 3:13

24 Q Okay. So again going back to Exhibit 11, I'm just 3:13
25 trying to straighten out what responses you may have 3:13
submitted to the department and make sure I have all your 3:13
responses for our discovery. In Exhibit 11, it says your 3:13
written response is attached. You see that; correct? 3:14

A Yes. 3:14

5 Q Did you submit a response specifically to this 3:14
6 request for reassignment that's marked as Exhibit 11? 3:14

7 A This response is to the downgrade, because the 3:14
8 Director of Office of Administrative Services is the person 3:14
9 who has the final authority on downgrades. 3:14

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10	Q	So when you say, "This response," you mean Exhibit	3:14
11		13?	3:14
12	A	Yes.	3:14
13	Q	Okay. Is in response to the downgrade.	3:14
14	A	Right.	3:14
15	Q	All right. And you -- again, you responded to	3:14
16		Captain Meek directly with this email; correct?	3:14
17	A	Yes.	3:14
18	Q	All right. And so are you saying, then, Exhibit	3:14
19		11 -- it says here in this document that "His response" --	3:14
20		"His written response is attached." Are you saying that	3:14
21		there was a separate written response which you provided to	3:14
22		Exhibit 11?	3:14
23	A	No. I believe this is the only response to this	3:15
24		whole proposal that they did.	3:15
25	Q	Okay. So Exhibit 13 would be the only response you	3:15

1 ever provided to the documents we see that are marked as 3:15
2 Exhibit 10 and 11; correct? 3:15
3 A I believe so, yes. 3:15
4 Q All right. And so in response to your response, 3:15
5 Kathy Meek, Captain, responded with the message below in 3:15
6 Exhibit 13; correct? 3:15
7 A That's her response, yes. 3:15
8 Q And you had requested that you wanted to meet 3:15
9 personally with the director of Office of Administrative 3:15
10 Services; right? 3:15
11 A Yes. 3:15
12 Q Who was the director at the time? 3:15
13 A Chief Villegas. 3:15
14 Q And in response, Captain Meek -- it looks like she 3:15
15 said that you cannot speak -- that she cannot speak for the 3:15
16 director nor commit to a meeting, but that O.A.S. -- Office 3:15
17 of Administrative Services -- was in the review process for 3:16
18 the reassignment and would see your request for a personal 3:16
19 meeting. Do you see that? 3:16
20 A Yes. 3:16
21 Q Was there, in fact, a meeting? 3:16
22 A No. 3:16
23 Q Did you follow up to see if a meeting would be set 3:16
24 up? 3:16
25 A I believe a meeting date may have been set, but it 3:16

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was never done.

3:16

Q Why do you believe that a meeting date was set?

3:16

A My recollection is that I had called down there and
-- to get on the calendar to do it.

3:16

3:16

5 Q Where did you call down to?

3:16

6 A It would have been O.A.S.

3:16

7 Q Did you call Chief Villegas's office?

3:16

8 A That is his office; so someone in O.A.S. would have

3:16

9 --

3:16

10 Q Did you actually, in fact, speak to someone at
11 O.A.S.?

3:16

3:16

12 A I believe so.

3:17

13 Q And was, in fact, something scheduled with that
14 person?

3:17

3:17

15 A I believe there was a date scheduled.

3:17

16 Q What day was that?

3:17

17 A I don't remember.

3:17

18 Q Do you have any documents showing any scheduling of
19 such a meeting?

3:17

3:17

20 A I don't know if I documented that.

3:17

21 Q Was this all verbal or via email?

3:17

17 correct? 3:18

20 they in charge of? 3:18

23 administration of the department, I would say. 3:18

25 Relations Group? 3:18

Q	And Employee Relations Group, for lack of a better	3:18
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section, of the L.A.P.D.; right? 3:19

6 Q And they are the ones that handle grievances and 3:19

7 employee issues related to, for example, promotions and 3:19

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8 reassignments; correct? 3:19
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9 A Yes. 3:19

10 0 And so Chief Villegas would have been the chief that 3:19

11 oversaw Employee Relations Group; correct? 3:19

12	A	Under the umbrella and hierarchy, ultimately, I	3:19
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13 believe so. 3:19

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14 Q And so he would have been -- ultimately the Chief of 3:19
15 Police is the one who oversees the entire department and is 3:19
16 the highest ranking officer. But as far as the deputy chiefs 3:19
17 are concerned, Chief Villegas would have been the highest 3:19
18 ranking officer overseeing Employee Relations Group; correct? 3:19
19 A The direct supervision would be a commander. That 3:19
20 commander would report to the deputy chief. So -- the 3:19
21 day-to-day would be the commander. 3:19
22 Q Right. But -- so you had a meeting set up with 3:19
23 Deputy Chief Villegas to talk about, specifically, issues 3:19
24 regarding your reassignment and your downgrade; correct? 3:20
25 A I believe so. 3:20
Q And this was going to be a one-on-one meeting with 3:20
the chief, deputy chief; correct? 3:20
A I believe that's what I was seeking, yes. 3:20
Q And you withdrew that meeting -- you withdrew from 3:20
5 having that meeting with him; right? 3:20
6 A Yes. The meeting did not take place. 3:20
7 Q What was your reason for not -- for withdrawing from 3:20
8 having an opportunity to speak with Deputy Chief Villegas? 3:20
9 MR. SALUTE: Objection. Asked and answered. 3:20

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10 You can answer it again. 3:20

11 THE WITNESS: I felt at the time that based on the rumors 3:20

12 in the department and things that were going on, that I would 3:20

13 not get a fair shake based on what I was going to tell him 3:20

14 and that this action by Captain Meek would be rubber-stamped 3:20

15 and that a fairer process would be somewhere else. 3:20

16 BY MR. KONG: 3:20

17 Q Did the Office of Administrative Services -- were 3:20

18 they anywhere in the chain in command, or did they oversee 3:20

19 E.S.D. at all? 3:21

20 A E.S.D. is under Office of Special Operations, a 3:21

21 different office and a different assistant chief. 3:21

22 Q And who is the chief over E.S.D., or who was at the 3:21

23 time? 3:21

24 A The Counter-Terrorism Bureau Chief was Michael 3:21

25 Downing, and then after he left, it was Horace Frank. 3:21

 Q So Chief Villegas would have not been in your chain 3:21

 of command at E.S.D.; correct? 3:21

 A Correct. 3:21

 Q Show you what's marked as Exhibit 14. 3:21

5 (Defendant's Exhibit 14 was marked for 3:21

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6 identification and is annexed hereto.) 3:21

7 BY MR. KONG: 3:21

8 Q Do you recognize this document? 3:21

9 A Yes. This is the 1.40 -- General Form 1.40 -- that 3:21
10 documents the change in pay grade and transfer. 3:22

11 Q And this shows that you had signed and dated this 3:22
12 document on or around March 9, 2017; correct? 3:22

13 A Yes. 3:22

14 Q And it indicates that you signed it, acknowledging 3:22
15 that you've read and understood the above information 3:22
16 contained in this form; correct? 3:22

17 A If that's what it says on there, yes. 3:22

18 Q Okay. And at the very top it says here, under 3:22
19 section A, "If request for lower pay grade, check the 3:22
20 appropriate box." Box number 2 is checked, indicating 3:22
21 "Failure or inability to satisfactorily perform the duties of 3:22
22 the advanced pay grade position." Do you see that? 3:22

23 A Yes. 3:22

24 Q And so you signed this document indicating that you 3:22
25 read and understood that that was, in fact, the reason 3:22
checked off for why you were being transferred and 3:22

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downgraded. 3:22

A Yes. 3:23

Q Okay. Can I have Exhibit 14 back. Actually, can I 3:23
5 have all those back? 3:23

6 THE WITNESS: Sure. 3:23

7 MR. SALUTE: Wait a second. We're missing a couple here. 3:23
8 We're missing 12 and 13. Do you have 12 and 13 there? 3:23

9 MR. KONG: Can we briefly go off the record? 3:23

10 THE VIDEOGRAPHER: We're off the record. The time is 3:23
11 3:23 P.M. 3:23

12 (Off the record.) 3:23

13 THE VIDEOGRAPHER: We're back on the record. The time is 3:24
14 3:24 P.M. 3:24

15 BY MR. KONG: 3:24

16 Q Now, at some point, you're aware that Officer 3:25
17 Sauvao, whom you supervised as the O.I.C. of Bomb K-9, had 3:25
18 filed some sort of complaint against you separately. 3:25

19 A Yes. 3:25

20 Q And how did you first become aware of that complaint 3:25
21 by Officer Sauvao? 3:25

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22 A I don't remember. I was called in and informed of 3:25
23 it somehow. 3:25
24 Q Let me show you what's marked as Exhibit 15. 3:25
25 ///// 3:25
 (Defendant's Exhibit 15 was marked for 3:25
 identification and is annexed hereto.) 3:25
BY MR. KONG: 3:25
 Q You recognize that this is a complaint form, similar 3:25
5 to the one that we saw earlier -- 3:25
6 A Yes. 3:25
7 Q -- made by Officer Salinas and Franco? 3:25
8 A Yes. 3:25
9 Q And do you recognize having received a copy of this 3:25
10 complaint form at some point at or near the time that you 3:26
11 were advised of a complaint from Sauvao? 3:26
12 A I believe the first time I may have seen this was in 3:26
13 my Internal Affairs interview. 3:26
14 Q And do you recall who the investigator was from I.A. 3:26
15 who interviewed you? 3:26
16 A I believe it was the same one from the -- that 3:26
17 handled both investigations. 3:26

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18 Q And looking at Exhibit 15, the first page of the 3:26
19 complaint form, it looks like complainant party this time is 3:26
20 Mark Sauvao; correct? 3:26

21 A Yes. 3:26

22 Q And turning to the following page, it appears that 3:26
23 this complaint was -- I know -- I know that L.A.P.D. used the 3:26
24 word "cut," but this complaint was initiated, or cut, on 3:26
25 March 4, 2017, or thereabouts; correct? 3:26

A Yes. 3:26

Q And, again, the supervisor who was involved in that 3:26
complaint was Captain Meek? 3:26

A Yes. 3:26

5 Q And she would have been the first person -- what -- 3:26
6 to take this at intake or take this in? 3:26

7 A I believe so. That's who they reported it to. 3:27

8 Q And, then, it looks like it was recorded by someone 3:27
9 by the name of Demian Wyma. Do you see that? 3:27

10 A Yes. 3:27

11 Q Was she the I.A. investigator assigned to this 3:27
12 particular complaint investigation? 3:27

13 A It's a "he," and he works for Internal Affairs, the 3:27

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14 Workplace Section. So I don't know if he was the person who 3:27
15 just authored it -- 3:27

16 MR. SALUTE: I just want you speaking from your own 3:27
17 personal knowledge. 3:27

18 THE WITNESS: I don't know. 3:27

19 BY MR. KONG: 3:27

20 Q Okay. Would it have been John Jizmejian? 3:27

21 A I don't remember. 3:27

22 Q Okay. No problem. Turning your attention to the 3:27
23 third page of Exhibit 15, I don't see a page number at the 3:27
24 bottom. I think it was cut off. But this was produced in 3:27
25 the City's discovery. So we have this Bate-stamped number 3:27
78. Do you see that in the lower right-hand corner? 3:27

A Yes. 3:27

Q So page 78 -- do you recall actually reviewing this 3:27
part of the complaint form when you received a copy of this 3:27
5 document? 3:28

6 A I don't recall specifically reading this. 3:28

7 Q Okay. But do you recall -- just reading this 3:28
8 complaint form, where it says here, "On March 4, 2017" -- and 3:28
9 I'll just kind of edit irrelevant parts here -- Police 3:28

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10 Officer Mark Sauvao of E.S.D., Bomb K-9, submitted an 3:28
11 employee report to his commanding officer, Captain Meek, 3:28
12 alleging harassment, racial remarks, discrimination, 3:28
13 intimidation, and a hostile work environment from Lieutenant 3:28
14 II Raymond Garvin. 3:28

15 Do you recall being advised that -- of Sauvao making 3:28
16 those sort of complaints against you? 3:28

17 A Yes. 3:28

18 Q And were you advised -- who advised you of those 3:28
19 allegations? 3:28

20 A I believe it was Internal Affairs in my interview 3:28
21 for these complaints. 3:28

22 Q Okay. And were those allegations adjudicated at 3:28
23 some point? 3:28

24 A Yes. 3:28

25 Q Can I have Exhibit 15 back. Thanks. Let me show 3:29
you what's marked as Exhibit 16. 3:29

(Defendant's Exhibit 16 was marked for 3:29
identification and is annexed hereto.) 3:29

BY MR. KONG: 3:29

5 Q And, again, you recognize this form; correct? 3:29

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6 A Yes. 3:29

7 Q Again, this is another adjudication form, but this 3:29
8 time, this adjudication form is for -- it looks like a C.F. 3:29
9 Number 17-000614. I'm just going to have you take a look at 3:29
10 Exhibit 15 again which, you testified to earlier, that 3:29
11 complaint is for 17-000614 also; correct? 3:29

12 A Yes. 3:29

13 Q And do you recall seeing Exhibit 16 at some point in 3:29
14 time? 3:29

15 A Yes. 3:29

16 Q And was this the adjudication form completed for you 3:29
17 with respect to the allegations that Mark Sauvao had made? 3:29

18 A Yes. 3:30

19 Q And if you notice in this -- this complaint form, it 3:30
20 says that allegation 2 was not resolved. Do you see that? 3:30

21 A Yes. 3:30

22 Q All right. And was that your understanding at the 3:30
23 time that you received this document? 3:30

24 A Yes. 3:30

25 Q And below under "Penalty Rationale" in the middle of 3:30
the document, it says, "Allegations 3 and 6 are considered 3:30

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non-disciplinary." Do you see that?

3:30

A Yes.

3:30

Q Do you know what that notation means,

3:30

5 "non-disciplinary?"

3:30

6 A For a non-disciplinary classification, it could be a

3:30

7 variety of reasons. No misconduct, I believe, was the one on

3:30

8 these -- that the department determined there was no

3:30

9 misconduct.

3:30

10 Q Okay. So based on what you see in this adjudication

3:30

11 form and your understanding at the time, the department did

3:30

12 not otherwise find you guilty of any sort of misconduct;

3:30

13 correct?

3:30

14 A Correct.

3:30

15 Q All right. And this adjudication form -- it would

3:30

16 appear to be signed off by Captain Kathryn Meek?

3:30

17 A Yes.

3:31

18 Q And Commander Horace Frank; correct?

3:31

19 A Yes.

3:31

20 Q Do you know who the Group/Area commanding officer

3:31

21 was at the time?

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22 A I don't -- I don't know whose signature that is. 3:31

23 Q Could that have been possibly Commander Peter 3:31

24 Zercone? 3:31

25 A If his serial number is that, then that's who it 3:31
 would be. I don't recognize that. 3:31

 Q Okay. Did you have a meeting with Captain Meek or 3:31

 Frank or Zercone about the adjudication of this particular 3:31

 investigation? 3:31

5 A My recollection is I was served it by Captain Meek, 3:31

6 I believe. 3:31

7 Q Okay. I'm going to show you what's marked as 3:31

8 Exhibit 17. 3:31

9 (Defendant's Exhibit 17 was marked for 3:31

10 identification and is annexed hereto.) 3:31

11 BY MR. KONG: 3:31

12 Q And Exhibit 17 is -- again, I'll submit to you this 3:32

13 is for -- I'll just call it the Sauvao complaint, the one 3:32

14 that we were just talking about, just to make it easy. This 3:32

15 is, again, a Skelly response and notice that you were given 3:32

16 by Kathryn Meek regarding the Sauvao complaint; correct? 3:32

17 A Yes. 3:32

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18 Q And in this one, you also signed and initialed this 3:32
19 response; right? 3:32
20 A Yes. 3:32
21 Q And you initialed that you received a copy of the 3:32
22 investigation materials, which would have included both the 3:32
23 complaint form, the letter of transmittal, the Skelly 3:32
24 response, and the adjudication form; correct? 3:32
25 A Yes. 3:32
Q And then you were again informed of your right to 3:32
have representation, but you didn't elect to have 3:32
representation on this matter; right? 3:32
A That's correct. 3:32
5 Q And you also initialed once again that you intended 3:32
6 to submit a response; correct? 3:32
7 A Yes. 3:32
8 Q And did you, in fact, submit some sort of response? 3:32
9 A I don't believe I did. 3:33
10 Q And why not? 3:33
11 A As I sit here today, I don't have the exact 3:33
12 recollection, other than my lawsuit had already been filed, I 3:33
13 believe -- my claim -- and that was the route I was seeking 3:33

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14 to clear my name through. 3:33

15 Q I'm going to mark as Exhibit 18 the following 3:33
16 document. 3:33

17 (Defendant's Exhibit 18 was marked for 3:33
18 identification and is annexed hereto.) 3:33

19 BY MR. KONG: 3:33

20 Q Thank you. 3:33

21 A Thank you. 3:33

22 Q And once again, I'm going to present you with what 3:33
23 is a redacted copy of a letter of transmittal. Again, it's 3:33
24 redacted because there's information pertaining to another 3:33
25 officer who was investigated along with you in the Sauvao 3:33
complaint. Do you recognize the portions, at least, that are 3:33
unredacted? 3:33

A Yes. 3:33

Q All right. Do these portions reflect the copy of 3:34
5 the letter of transmittal which you received in response to 3:34
6 the Sauvao complaint? 3:34

7 A Yes, it appears. 3:34

8 Q Okay. And so now going to allegation 2 on the first 3:34
9 page of the L.O.T. in Exhibit 18, allegation 2 says that 3:34

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10 Sauvao alleged that on some unknown dates you, while on duty, 3:34
11 failed to take appropriate action when you heard a particular 3:34
12 officer make improper remarks towards Sauvao. And allegation 3:34
13 2 was deemed not resolved; correct? 3:34

14 A Yes, it was. 3:34

15 Q Okay. And then as far as allegations 3 and 6, I 3:34
16 believe allegations 3 and 6 made similar allegations -- well, 3:34
17 allegation 3 is similar in nature in that, again, Sauvao 3:34
18 accused you of making some sort of improper remark towards 3:34
19 him; correct? 3:34

20 A Yes. 3:34

21 Q And that was deemed non-disciplinary. 3:34

22 A "Non-disciplinary. Employee's actions did not rise 3:34
23 to the level of misconduct." 3:35

24 Q And in allegation number 6, it states in the L.O.T. 3:35
25 that "Sauvao alleged that on October 19, 2016, Garvin, while 3:35
on duty, denied Sauvao the right to representation during an 3:35
administrative search of his City-owned vehicle." And that 3:35
was also alleged "Non-disciplinary. Actions do not rise to 3:35
the level of misconduct"; correct? 3:35

5 A Yes. 3:35

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6 Q All right. And you'll agree with me that it was 3:35
7 Captain Meek, as well as Commander Frank, who had signed off 3:35
8 approving on the adjudication of this particular letter of 3:35
9 transmittal; correct? 3:35

10 A Yes. 3:35

11 Q All right. I'll show you what's been marked as 3:35
12 Exhibit 19. If fact, if I can have all those back. 3:36

13 Actually, why don't you take this one (indicating)? 3:36
14 I'm sorry. Just give me that one back. This will be your 3:36
15 attorney's copy. 3:36

16 (Defendant's Exhibit 19 was marked for 3:36
17 identification and is annexed hereto.) 3:36

18 BY MR. KONG: 3:36

19 Q And Exhibit 19 is another SBA form; right? 3:36

20 A Yes. 3:36

21 Q And this is for you? 3:36

22 A Yes. 3:36

23 Q And if you can look at the fourth or fifth page, the 3:36
24 signature page -- 3:36

25 A Oh. 3:36

Q Yeah. 3:36

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A Yes.

3:36

Q Is Captain Meek the captain who signed off -- one of
the captains who signed off on this SBA form for you?

3:36

3:36

5 A Yes.

3:36

6 Q And like the other SBA form which we discussed
7 earlier today, she had marked you -- or she rated you overall
8 as satisfactory; correct?

3:36

3:37

3:37

9 A Yes.

3:37

10 Q And you don't disagree with her overall rating of
11 you; correct?

3:37

3:37

12 A No.

3:37

13 Q And you had signed this document indicating that you
14 had received this report -- correct -- or this SBA form;
15 correct?

3:37

3:37

3:37

16 A Yes.

3:37

17 Q You didn't date it, though; correct?

3:37

18 A I do not see a date written on there.

3:37

19 Q Do you recall when you -- when you received this
20 document?

3:37

3:37

21 A I don't.

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22 Q Okay. And, again, I'm going to refer you to the 3:37
23 same section which we discussed earlier. In the middle of 3:37
24 this document, in terms of any recommended training, it 3:37
25 indicates, once again, that you could "benefit from courses 3:37
in communications and interpersonal skills to enhance your 3:37
ability to interact with others more effectively." Do you 3:37
see that? 3:37

A Yes, I do. 3:37

5 Q Did you have any particular disagreement with that 3:37
6 particular statement? 3:37

7 A Yes. 3:37

8 Q Did you do anything about that? 3:37

9 A No. 3:37

10 Q And why not? 3:37

11 A Because the deck was stacked, and this was basically 3:38
12 a cut-and-paste from the previous SBA where she was again 3:38
13 writing it, in my opinion. 3:38

14 Q Well, were there -- when you say, "cut-and-paste," 3:38
15 you mean this particular sentence was just identical to the 3:38
16 prior SBA form? 3:38

17 A In that -- in that section there, yes, very similar. 3:38

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18 Q Okay. So between the time that you received the SBA 3:38
19 form -- the previous one, which I think was marked as -- 3:38
20 Let me get it real quick -- 3:38

21 MR. SALUTE: 5. 3:38

22 MR. KONG: Exhibit 5? Thanks. 3:38

23 Q -- Exhibit 5, which was, I believe, signed by you on 3:38
24 or around, I'll represent to you -- I think it was December 3:38
25 of 2016 -- December 14 of 2016. 3:38

A Yes. 3:39

Q And the time that you signed this particular 3:39

document -- 3:39

Which could have been on or around, I would say, 3:39

5 probably after July of 2017? 3:39

6 A Uh-huh. 3:39

7 Q -- did you take any courses regarding communications 3:39
8 or interpersonal skills? 3:39

9 A No, I did not. 3:39

10 Q Did you reach out to anyone to talk about how to 3:39
11 improve those skills? 3:39

12 A No. 3:39

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13 Q Did you reach out to Captain Meek about what you 3:39
14 could do to improve those skills? 3:39

15 A No. 3:39

16 Q Who is -- who is, again, Philip Fontanetta? 3:39

17 A He was a captain, at the time, in charge of the 3:39
18 Police World Olympics that I was transferred to. 3:39

19 Q And where was he located? 3:39

20 A Those offices were at the Elysian Park Police 3:39
21 Academy. 3:39

22 Q And so did you, in fact -- were you, in fact, 3:39
23 physically transferred to that location? 3:39

24 A Yes. 3:39

25 Q And when were you transferred to that location? 3:39
A Right when they called me in and told me there was a 3:40
complaint and I was to turn in my stuff. So pretty 3:40
immediate. 3:40

Q Was that on or around March of 2017? 3:40

5 A Yeah. Around that date. 3:40

6 Q And so was there any sort of communication between 3:40
7 yourself and anyone over in Captain Fontanetta's office about 3:40

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8 your planned arrival? 3:40

9 MR. SALUTE: Did you say, "planned rival?" 3:40

10 MR. KONG: "Planned arrival." 3:40

11 MR. SALUTE: Oh, I'm sorry. Yeah. 3:40

12 THE WITNESS: I know I spoke with the captain regarding 3:40

13 the supervisory powers being suspended and how I could work 3:40

14 there. 3:40

15 BY MR. KONG: 3:40

16 Q Was this a telephone conversation with the captain? 3:40

17 A I don't remember. I had several conversations with 3:40

18 him about this supervisor order and in general being 3:40

19 transferred. 3:40

20 Q And what response did he give you, if any, about 3:40

21 your supervisory role? 3:40

22 A That, frankly, he thought it was ridiculous, but no 3:40

23 one had the power to overturn it except Captain Meek. 3:41

24 Q And when you say that he thought "it was 3:41

25 ridiculous," I mean, did he, in fact, use that word 3:41

"ridiculous?" 3:41

A I don't remember if that was the exact words, but he 3:41

-- the impression that I got from what he said was he thought 3:41

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it was a bit overboard.

3:41

5 Q Okay. Again, I want to know what you recall about
6 what he exactly said. So did he -- so he didn't say it was
7 ridiculous. Did he say that it was overboard?

3:41

3:41

3:41

8 A I don't recall his exact words.

3:41

9 Q And do you have any sort of documentation to show
10 that communication with Captain Fontanetta?

3:41

3:41

11 A No.

3:41

12 Q That was all verbal?

3:41

13 A Yes.

3:41

14 Q And so how long did you work in that assignment?

3:41

15 A That was probably -- I think it ended in October of
16 that year; so the period of March to October. So -- what --
17 seven months or so -- six, seven months?

3:41

3:42

3:42

18 Q Now, during that time period, did you file any sort
19 of grievance?

3:42

3:42

20 A I applied for an appeal hearing for my downgrade
21 through -- I think -- I believe it was for the downgrade
22 through Employee Relations.

3:42

3:42

3:42

23 Q And so as far as reassignment, is that something

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24 that's aggrieve-able? 3:42

25 A I think it's an administrative appeal. I don't know 3:42
that that's classified as a grievance. I'll not sure, but 3:42
there's definitely an appeal. 3:42

Q So you can file an administrative appeal for a 3:42
reassignment. 3:42

5 A For my situation, you could. 3:42

6 Q And then you could also file an administrative 3:42
7 appeal for a downgrade. 3:42

8 A I believe so. 3:42

9 Q Okay. And did you file any sort of administrative 3:42
10 appeal for your downgrade? 3:42

11 A I did file for an appeal. 3:43

12 Q I'm going to show you what's marked as Exhibit 20. 3:43
13 (Defendant's Exhibit 20 was marked for 3:43
14 identification and is annexed hereto.) 3:43

15 BY MR. KONG: 3:43

16 Q Do you recognize -- there's three pages to Exhibit 3:43
17 20? Do you recognize all three pages? 3:43

18 A Yes. 3:43

19 Q And is this your handwriting on these forms? 3:43

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16 Q Anyone else about your administrative appeal? 3:44

17 A Not to my knowledge, that I can remember sitting 3:44
18 here. 3:44

19 Q Now, did you file an administrative appeal for your 3:44
20 reassignment? 3:44

21 A I don't think that was appealable, but I -- I don't 3:44
22 think there's any formal paperwork on that. So I'm going to 3:45
23 answer no. 3:45

24 Q Okay. Well, earlier, I think I asked you whether or 3:45
25 not you could do an administrative appeal for a reassignment 3:45
and you said yes. 3:45

A I don't believe -- I don't believe you can for a 3:45
reassignment if it's a downgrade. 3:45

Q Did you file any sort of complaint or response to 3:45
5 the reassignment? 3:45

6 A Other than what you've provided me, any responses 3:45
7 that's -- I don't have any knowledge of anything else. 3:45

8 Q Okay. And at some point in time, did you, in fact, 3:45
9 withdraw this administrative appeal? 3:45

10 A Yes. 3:45

11 Q And why did you withdraw it? 3:45

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12 A Because I felt the process was going to be unfair 3:45
13 and that I would get a fairer outcome in a court of law than 3:45
14 I would through the department. 3:45

15 Q So by this point in time when you filed your 3:45
16 administrative appeal, had you already filed your government 3:46
17 claim? 3:46

18 A I'm not sure if it was filed at that point. 3:46

19 Q But you were going to pursue, I guess, legal 3:46
20 remedies to rectify, or hopefully rectify, the situation? 3:46
21 Was that your intent? 3:46

22 A I think at that point, I was seeking advice from 3:46
23 outside counsel at that point. 3:46

24 Q Did someone from the League recommend that you speak 3:46
25 to outside counsel? 3:46

 A Not in those words. 3:46

 Q What do you mean by that? 3:46

 A I was contacted by a League director, Jeretta 3:46
 Sandoz, at one point, asking me why I hadn't called her yet. 3:46

5 And I told her, "Well, I didn't think the League 3:46
6 really, you know, was interested." 3:46

7 And she said she knew about my case and had talked 3:46

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8 to several command staff officers, who told her that I was 3:46
9 getting the shaft and I needed to get representation. 3:47

10 Q So -- I'm sorry. How do you spell this person's 3:47
11 name, the director of the League? 3:47

12 A I think it's J-a-r-e-t-t-a; Sandoz, S-a-n-d-o-z. 3:47

13 Q Male or female? 3:47

14 A Female. 3:47

15 Q And is she an officer for the L.A.P.D.? 3:47

16 A I'm not sure of her rank. She's a director on 3:47
17 the -- one of the directors in the union. 3:47

18 Q And she shared with you that she had talked to a few 3:47
19 commanders who said that they thought you were not getting a 3:47
20 fair shake? 3:47

21 A Correct. 3:47

22 Q And did she tell you who those commanders were? 3:47

23 A No. 3:47

24 Q Did you ask her? 3:47

25 A I believe I did and expressed frustration, "Why 3:47
isn't anyone, you know, stepping up to do the right thing?" 3:47

Q Did you ask her who the commanders were that spoke 3:48
to her? 3:48

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	A	Yes.	3:48
5	Q	And what did she say?	3:48
6	A	She didn't tell me who they were.	3:48
7	Q	Well, what did she say?	3:48
8	A	I don't remember her exact words.	3:48
9	Q	Well, do you recall if she actually said some names?	3:48
10	A	No. I've never heard of any names, the actual	3:48
11		names.	3:48
12	Q	But she could have told you the names.	3:48
13	A	I don't believe she did.	3:48
14	Q	And so after you spoke with her, did she give you	3:48
15		names to attorneys to consult with?	3:48
16	A	No.	3:48
17	Q	So at some point, did you then do your own research	3:48
18		to find out what attorneys that you could --	3:48
19	A	I --	3:48
20	Q	-- talk with?	3:48
21	A	I'm sorry? Are you done?	3:48
22	Q	Yes. Go ahead.	3:48
23	A	I apologize. I asked, as part of the legal plan, to	3:48

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24 be allowed to be referred to a law firm for consultation. 3:48

25 Q As part of the legal plan? 3:49

A There's a legal plan that we pay into as part of a 3:49
League member that you can get consultations on situations 3:49
such as this. 3:49

Q So the League referred you out to speak with Greg 3:49
5 Smith? 3:49

6 A No, not initially. It was -- I had asked for 3:49
7 Attorney Stone -- I forgot his first name. Mike Stone, and I 3:49
8 had met with him but quickly found out he was the Command 3:49
9 Officer Association attorney, and there was a conflict of 3:49
10 interest. 3:49

11 Q So then after that, did you then check with Greg 3:49
12 Smith's office? 3:49

13 A No. Mike Stone suggested that I talk to Gary -- 3:49
14 Larry Hanna and Gary Fullerton -- their offices. And I went 3:49
15 and met with them and did not retain them. 3:49

16 Q So then ultimately you ended up over at Greg Smith's 3:50
17 office; correct? 3:50

18 A That's correct. 3:50

19 Q All right. And at some point -- 3:50

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20 Let me show you what's marked as Exhibit 21. 3:50
21 (Defendant's Exhibit 21 was marked for 3:50
22 identification and is annexed hereto.) 3:50
23 BY MR. KONG: 3:50
24 Q At some point, I understand you withdrew your 3:50
25 administrative appeal regarding your downgrade; correct? 3:50
 A Yes. 3:50
 Q And is it correct that you withdrew that appeal 3:50
 because you wanted to pursue for legal remedies? Correct? 3:50
 A I wanted to -- yes, to go outside of the department 3:50
5 too. 3:50
6 Q And so Exhibit 21 -- this is an email from you to a 3:50
7 Theresa Hartter, which you're on your administrative appeal 3:50
8 of your downgrade; correct? 3:50
9 A Yes. 3:50
10 Q And was this sent from your L.A.P.D. email account? 3:50
11 A I don't know. Oh, wait. 3:51
12 Q And, then, I'm referring to that email in the middle 3:51
13 there -- 3:51
14 A Yeah. I'm looking at that, and I don't know if that 3:51
15 signifies whether I sent it from my -- from my department 3:51

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16 one. 3:51

17 Q Well, it indicates here that you c.c.'d yourself, or 3:51
18 you c.c.'d your L.A.P.D. email address. 3:51

19 A Yeah. 3:51

20 Q And then it says, "From Raymond Garvin." Is it safe 3:51
21 to assume that this would have been from some sort of 3:51
22 personal email? 3:51

23 A It might have been. 3:51

24 Q And at the time that you sent this email, would your 3:51
25 personal email have been that MSN, dot-com address you gave 3:51
us earlier? 3:51

A Yes. 3:51

Q Okay. 3:51

A I could have also sent this from a Police -- I had a 3:51
5 email account with the World Police-Fire Games. I don't for 3:51
6 the life of me remember what it was, but we all got email 3:51
7 addresses for that. So I don't know if it was from there or 3:51
8 the personal. 3:51

9 Q What were your duties and responsibilities when you 3:51
10 worked to assist with the Police and Fire Games? 3:52

11 A I was assigned to be the sandwich guy. 3:52

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12 Q What do you mean by that? 3:52
13 A It means that I bought sandwiches and handed them 3:52
14 out along with water, and that was my job. 3:52
15 Q Any other duties? 3:52
16 A That was basically it. I was -- I worked with a 3:52
17 sergeant on obtaining water, fruit, and sandwiches. 3:52
18 Q And when are the police -- well, that year, when 3:52
19 were the Police and Fire Games held? 3:52
20 A I think it was, like, September or October. It was 3:52
21 maybe September. September 17, maybe. 3:52
22 Q And how many -- how much staff, L.A.P.D. staff, were 3:52
23 assigned to work and assist with the Police and Fire Games? 3:52
24 A I don't know the exact numbers. 3:52
25 Q And I'm sorry. How long did you do that assignment 3:52
again? 3:52
A Maybe five, six months. 3:53
Q And after that, is that when you were assigned 3:53
Southeast Division? 3:53
5 A Yes. Then I was put on paper to Southeast, yes. 3:53
6 Q And who put you on paper to send you to Southeast? 3:53
7 A That would have been Position Control. 3:53

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8 Q And were you just simply told you were going to 3:53
9 Southeast? 3:53
10 A Yes. 3:53
11 Q And by whom? 3:53
12 A Mark LaBonta. 3:53
13 Q Who is that? 3:53
14 A He is the O.I.C. of Position Control. 3:53
15 Q And when were you notified that you would be going 3:53
16 down to Southeast? 3:53
17 A I don't know the exact date. 3:53
18 Q Was there some sort of email sent to you? 3:53
19 A I had a phone conversation with him. 3:53
20 Q And were you given some choice as far as where you 3:53
21 would be reassigned? 3:53
22 A No. 3:53
23 Q They just simply said, "You're going to Southeast"? 3:53
24 A They said, "This is where you're going." 3:53
25 Q And did you have any sort of disagreement with that? 3:53
A I said, "I thought I was supposed to get a choice of 3:53
another specialized unit or another division out of the 3:53
Bureaus. There's a process." 3:54

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And he said, "No. We have no openings anywhere.

3:54

5 This is where you're going."

3:54

6 I said, "Okay."

3:54

7 Q Show you what's marked as Exhibit 22.

3:54

8 (Defendant's Exhibit 22 was marked for

3:54

9 identification and is annexed hereto.)

3:54

10 BY MR. KONG:

3:54

11 Q Here you go.

3:54

12 A Thank you.

3:54

13 Q I'll submit to you that this is an email that the

3:54

14 City received in response to our discovery request for

3:54

15 documents from your attorney. And as you note on the bottom,

3:54

16 it's Bate-stamped in the lower right-hand corner, "Garvin2

3:54

17 and Garvin3." I'm just going to ask you a few questions

3:54

18 about this document.

3:54

19 A Sure.

3:54

20 Q Do you recognize this document?

3:54

21 A I started to read it. It looks like an email that I

3:54

22 wrote to Detective Hartter.

3:55

23 Q And Detective Hartter -- you let me know if this

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24 refreshes your recollection. She worked -- she works at 3:55
25 Employee Relations Group; correct? 3:55
A Yes. 3:55
Q And do you know why you sent Theresa Hartter this 3:55
email? 3:55
A Let me take a look and read it real quick. 3:55
5 Q Sure. 3:55
6 A Okay. 3:56
7 Q So do you recall why you sent this email to Hartter? 3:57
8 A I was expressing my concerns about how I was being 3:57
9 treated and asked for the order of stripping me of 3:57
10 supervisory duties to be lifted and expressing concerns how I 3:57
11 was made to feel that I wasn't wanted at Southeast based on 3:57
12 these yet still investigated allegations. 3:57
13 Q So this -- 3:57
14 A And I think I even mentioned the word "grievance" in 3:57
15 there, but -- 3:57
16 Q So and this set of emails, or email, is dated 3:57
17 July 12, 2017; correct? 3:57
18 A Yes. 3:57
19 Q And at that point in time, where were you assigned? 3:57

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20 A I would have still been at the -- well, I would -- 3:57
21 based on this, I would still have been at the Police-Fire 3:57
22 Games, assigned to them then, because it doesn't look like, 3:57
23 based on this, that I had arrived at Southeast yet. 3:57

24 Q Well, I'm going to show you the TEAMS. It's marked 3:58
25 as Exhibit 2. 3:58

 A Okay. So I was at Southeast when I wrote this, 3:58
 then. 3:58

 Q Yeah. So I'm going to -- just again, just to 3:58
 clarify. On page 4 of Exhibit 2, your TEAMS, under 3:58
5 "Assignment: Rank," it identifies that you arrived at 3:58
6 Southeast as a Lieutenant I on or around July 9, 2017. Do 3:58
7 you see that? 3:58

8 A Right. Three days prior to this. Okay. 3:58

9 Q Do you have any belief that your TEAMS is inaccurate 3:58
10 with regards to that? 3:58

11 A No. It's probably accurate. 3:58

12 Q All right. And so this email was sent to Theresa 3:58
13 Hartter because you were letting her know that you had issue 3:58
14 with the fact your supervisory restrictions were not lifted; 3:58
15 correct? 3:58

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16 A Yes. And I had been told by Captain Pasos just to 3:58
17 stay home until we get this sorted out. So this was, like, 3:59
18 three days prior -- or after the transfer. Right about that 3:59
19 time when I was going to take the chair. 3:59

20 Q And Captain Al Pasos -- he was -- what -- the Patrol 3:59
21 captain at Southeast? 3:59

22 A He was the area captain, the Captain III at the 3:59
23 time. 3:59

24 Q And so his response to you with regards to your 3:59
25 issue about the supervisory restrictions was to basically 3:59
just stay at home? 3:59

 A It was just "Stay where you're at. Don't come down 3:59
yet. I'm working on it." That was his initial response, and 3:59
he ultimately got the supervisor order lifted so I could 3:59
5 assume the watch commander duties there. 3:59

6 Q So it's safe to say that he was trying to work with 3:59
7 you in terms of figuring out whether or not the restrictions 3:59
8 would be lifted. 3:59

9 A Yeah. He's the one that got it lifted. 3:59

10 Q And do you know what he did in order to get it 3:59
11 lifted? 3:59

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12 A I believe he had conversations with some in his 3:59
13 chain of command about my situation. And I was notified -- I 4:00
14 asked for it in writing for any lifting of the order, and he 4:00
15 wrote me an email back, saying, "This constitutes your 4:00
16 notification that it's lifted." 4:00
17 MR. SALUTE: Hold on a second. Take your mic. Move it 4:00
18 up so you're not rubbing against it. There you go. 4:00
19 THE WITNESS: I apologize. 4:00
20 BY MR. KONG: 4:00
21 Q All right. And then down below on page Garvin2 on 4:00
22 Exhibit 22 -- I'm sorry. It's the first page. It's marked 4:00
23 Garvin2 on the bottom. 4:00
24 A Got it. 4:00
25 Q The last paragraph there, it says that "Now that the 4:00
downgrade has taken place, my salary has been reduced several 4:00
thousands of dollars." Do you see that? 4:00
 A Yes. 4:00
 Q I believe you said, "reduced several thousands of 4:00
5 dollars monthly." 4:00
6 A Yep. 4:00
7 Q At the time, did you have an estimate of how much 4:00

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8 money you believe you lost as a result of the downgrade? 4:00

9 A It was the salary difference between roughly 82.00 4:01
10 to \$83.00 an hour down to \$69.00 an hour as just a strict 4:01
11 salary rate, not including overtime, car use, and things like 4:01
12 that. 4:01

13 Q Well, did you have some estimate as to how much 4:01
14 money you believe you lost? 4:01

15 A As I sit here today or at the time? 4:01

16 Q At the time. 4:01

17 A I don't think I did, you know, a nuts-and-bolts, 4:01
18 fiscal forensic analysis of it. It was just -- it was very 4:01
19 noticeable. 4:01

20 Q Was it -- I mean, did you have some idea of whether 4:01
21 or not it was \$5,000, \$10,000, \$15,000? Was there a range? 4:01

22 A It was several thousand dollars. 4:01

23 Q What does "several" mean to you in terms of numbers? 4:01

24 A Around probably two. 4:01

25 Q Two thousand dollars? 4:01

A Yes. 4:01

Q And that's two thousand dollars collectively based 4:01
on your hourly rate and overtime; correct? 4:02

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A I think at the time, I believe I was thinking 4:02
5 strictly on just pay, you know, not the car and other things. 4:02

6 Q What do you mean by "the car?" 4:02

7 A That assignment, I also had a home-garage vehicle, 4:02
8 which afforded me the opportunity not to have to spend my own 4:02
9 money on gas and parking and things of that nature and 4:02
10 commuting to work. 4:02

11 Q And how long had you had the car? 4:02

12 A Since the day I arrived at E.S.D. in January of 2012 4:02
13 up until the day they served me -- they sent me home with my 4:02
14 box in hand and took my car keys and everything, and I had to 4:02
15 be driven home. 4:02

16 Q So during the time that you were the O.I.C. over 4:02
17 Bomb K-9; correct? 4:02

18 A Yes. 4:02

19 Q Now, the second page of that email, Exhibit 22 -- so 4:02
20 the last full, complete paragraph where it says, "I am 4:02
21 requesting that Captain Meek order regarding non-supervisory 4:03
22 duties be rescinded." Do you see that? 4:03

23 A Yes. 4:03

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24 Q In fact, how long after you sent this email were 4:03
25 those non-supervisory duties rescinded, or lifted? 4:03
A I don't know exactly, but it was around that time. 4:03
Q In mid-July of 2017? 4:03
A Yes. 4:03
Q Okay. And the last sentence in that paragraph 4:03
5 states, "Presumably my new C.O." -- commanding officer -- 4:03
6 "will be adjudicating the complaint when completed, and I 4:03
7 need to ensure that any such review is unbiased." Which 4:03
8 complaint are you speaking of in that sentence? 4:03
9 A Let me look at this email. Well, the complaints 4:03
10 that I knew about at the time, the complaints that we talked 4:03
11 about today. 4:03
12 Q Those are the complaints -- the two complaints we 4:03
13 talked about which were filed or initiated by your prior 4:03
14 subordinates; right? 4:04
15 A Yes. 4:04
16 Q Those are Salinas, Franco, and Sauvao; correct? 4:04
17 A Yes. 4:04
18 Q And you were writing this because you had a genuine 4:04
19 concern, if I'm correct, that -- that Captain Meek, whom you 4:04

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20 understood more than likely was going to adjudicate this 4:04
21 complaint, would somehow be biased; correct? 4:04
22 A Yes. 4:04
23 Q So when you mean -- when you say that you were 4:04
24 concerned that she would be biased, what you mean is, in 4:04
25 essence, that she would somehow sustain those allegations; 4:04
correct? 4:04
A Yes. 4:04
Q And find some wrongdoing on your part; right? 4:04
A Yes. 4:04
5 Q But as it turns out, as the adjudicating officer, 4:04
6 she didn't find any sort of misconduct on your part; correct? 4:04
7 A That's correct. 4:04
8 Q And had she found -- or had she sustained those 4:04
9 allegations in either one of those complaints, you'll agree 4:05
10 with me that would have probably impacted your ability to 4:05
11 promote within the department, don't you think? 4:05
12 A Yes, and the current adjudication has done the same 4:05
13 thing. 4:05
14 Q How so? 4:05
15 A When you are downgraded, you're not allowed to seek 4:05

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16 an advanced paygrade position for 26 DPs after the downgrade. 4:05

17 Q Now, my question is different. I'm talking about 4:05
18 the adjudications of the actual complaint investigations 4:05
19 against you by your prior subordinates at Bomb K-9. 4:05

20 A Right. 4:05

21 Q Had she sustained those allegations, you'll agree 4:05
22 with me, that those definitely would have had an impact on 4:05
23 your ability to promote within the department; correct? 4:05

24 A Yes. 4:05

25 Q And Captain Meek -- not only does she adjudicate 4:05
those complaints and find that there was no misconduct on 4:05
your part, she's also the same captain who gave you those two 4:05
satisfactory ratings on those two performance -- or SBA 4:05
forms; correct? 4:06

5 A Yes -- 4:06

6 MR. SALUTE: I mean -- wait a second. I guess I have an 4:06
7 issue with your question insofar as that she found no 4:06
8 misconduct, because it's argumentative and misstates the 4:06
9 letter of transmittal and what's provided in there. 4:06

10 MR. KONG: Appreciate that, but I'm just using the words 4:06
11 that your client actually testified to. He said that, in 4:06

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12 essence, that the way the complaints were adjudicated, that 4:06
13 there was basically no findings of misconduct on his part. 4:06
14 So I'm just using the terminology that he used. 4:06

15 Q So it's your belief then -- just to confirm and 4:06
16 clarify, it's your belief that Captain Meek otherwise found 4:06
17 no misconduct on your part based on the allegations of those 4:06
18 two complaints we talked about; correct? 4:06

19 A I'm going to say yes and no. And I think the 4:06
20 not-resolved allegation should have been unfounded based on 4:06
21 the wording of the complaint, and the wording in those 4:07
22 ratings that she wrote, that I need interpersonal-skills 4:07
23 training -- I think those are indirect means to undermine my 4:07
24 career where she otherwise could not, based on the 4:07
25 investigation done by Internal Affairs. 4:07

Q All right. I'm going to show you what's marked as 4:07
Exhibit 23. 4:07

(Defendant's Exhibit 23 was marked for 4:07
identification and is annexed hereto.) 4:07

5 BY MR. KONG: 4:07

6 Q Do you recognize these emails, or this email? 4:07

7 A Yes. This appears to be from Captain Pasos to me. 4:07

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8 Q Did you have any face-to-face meetings with Captain 4:07
9 Pasos when you began your assignment at Southeast? 4:07

10 A When I got there, eventually I had a face-to-face. 4:07
11 But in the prior to the arrival and the build up to it, no, 4:08
12 there was basically email conversations and possibly phone 4:08
13 conversations. 4:08

14 Q And so this email actually, believe it or not -- I'm 4:08
15 trying to look at the prior one, Exhibit 22. This one -- 4:08
16 Exhibit 22 is dated and time-stamped July 12, sent to you at 4:08
17 9:09 A.M. Exhibit 23, from Captain Pasos, is timed-stamped 4:08
18 11:05 A.M., same day. Was this in response to your email in 4:08
19 Exhibit 22? 4:08

20 A I'm sorry. I was reading part of this when you went 4:08
21 through that question. Let's go -- 4:08

22 Q I'm sorry. When you look at Exhibit 22 -- 4:08
23 I know I'm making this really easy for the court 4:08
24 reporter right now. 4:08

25 Exhibit 22 is date- and time-stamped July 12th, 4:08
9:09 A.M. Do you see that? 4:08

A Yes. 4:08

Q And Exhibit 23 is date- and time-stamped July 12th, 4:08

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11:05 A.M. Do you see that?

4:08

5 A Yes.

4:09

6 Q So Exhibit 23 -- is that Captain Pasos's reply to
7 your email in Exhibit 22?

4:09

4:09

8 A It's a reply, but it says, "Per our" -- wait. No.
9 23 is an email I sent to Pasos, it looks like, because it
10 says, "Captain Pasos, per our conversation," and it's signed
11 by me.

4:09

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12 Q Okay. So I want to clarify for you, then. If you
13 look at the very top of this email in Exhibit 23 --

4:09

4:09

14 And I'll submit to you that this is produced by your
15 counsel, or his office. Okay?

4:09

4:09

16 -- it appears that Alfred Pasos, Captain Pasos,
17 emailed this to Ray and Pam Garvin --

4:09

4:09

18 Pam, I take it, is your spouse?

4:09

19 A Yes.

4:09

20 Q -- at your MSN dot-com address. Do you see that?

4:10

21 A Yes.

4:10

22 Q And below that, there doesn't appear to be any sort
23 of message. It seems to be blank.

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24 A Right. 4:10

25 Q Do you recall if Captain Pasos actually sent you 4:10
some sort of email message around this time? 4:10

 A I believe he did. You know, I would be assuming 4:10
that it's just not connected here somehow. It's just a 4:10
mistake. 4:10

5 Q Yeah. Do you have any knowledge as to why Captain 4:10
6 Pasos would have sent -- re-forwarded an email you sent to 4:10
7 him to your personal email address? 4:10

8 A No, I don't. 4:10

9 Q Okay. So then going down to the body of the email, 4:10
10 it says here, "Captain Pasos, per our conversation prior to 4:10
11 the start of" the "DP, July 9, 2017, you advised that I 4:10
12 should stay at my loan assignment." Does this refresh your 4:10
13 recollection of having some sort of meeting with Captain 4:10
14 Pasos to discuss your reassignment? 4:10

15 A Yeah. I believe it was a phone conversation. But 4:10
16 yes. 4:10

17 Q Okay. And just for clarification, did the phone 4:10
18 conversation happen after Exhibit 22? 4:11

19 A I don't know if it was before or after, but they're 4:11

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20 all in the same period of time here. I was trying to get 4:11
21 this straightened out because I was going to be made a watch 4:11
22 commander and still couldn't perform as a supervisor. 4:11

23 Q And towards the middle of Exhibit 23, there's a 4:11
24 sentence that I'll point out here and show it to you. It 4:11
25 starts with "I have also received...." Do you see that? 4:11

A Yes. 4:11

Q "I have also received an email c.c.'d to me between 4:11
the training coordinator indicating to the addressee 4:11
regarding my status that he did not expect that I would ever 4:11
5 step foot in the station there based on information he 4:11
6 learned." Do you see that? 4:11

7 A Yes. 4:11

8 Q Okay. Who is the training coordinator whom you're 4:11
9 speaking of in that sentence? 4:11

10 A Oh, what is his name? I don't remember his name, 4:11
11 but he was the training coordinator for Southeast. 4:11

12 Q And you indicated that you had received an email as 4:11
13 a courtesy copy. Do you see that? 4:12

14 A Yes. 4:12

15 Q Do you have a copy of that email? 4:12

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12 Q And let's see here. Did you ever produce a copy of 4:12
13 that email involving Captain Pasos? 4:13
14 A I believe I forwarded it to Captain Pasos. 4:13
15 Q Do you know when you forwarded that email to Captain 4:13
16 Pasos? 4:13
17 A It would all have been right about this time when 4:13
18 this transfer was taking effect and moving me to Southeast. 4:13
19 Q Okay. Let me show you what's marked Exhibit 24. 4:13
20 (Defendant's Exhibit 24 was marked for 4:13
21 identification and is annexed hereto.) 4:13
22 BY MR. KONG: 4:13
23 Q Do you recognize this chain of emails? 4:13
24 A Let me take a look at it. 4:13
25 Q Sure. 4:14
A Okay. 4:14
Q You recognize these; correct? 4:14
A Yes. 4:14
Q All right. And just to confirm, the email that we 4:14
5 see here on the first page -- this is dated July 13th, 2017, 4:15
6 at 5:07 P.M. Do you see that? 4:15
7 A Yes. 4:15

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8 Q And you had forwarded this from your L.A.P.D. 4:15

9 account to your personal email account; right? 4:15

10 A Yes. 4:15

11 Q And why did you -- why did you forward it to your 4:15

12 personal email account? 4:15

13 A Maintaining a record, I guess. 4:15

14 Q Okay. And did you -- did you save emails in 4:15

15 conjunction with that journal you had handwritten to document 4:15

16 certain events? 4:15

17 A Not -- I don't think I saved -- I don't think I 4:15

18 saved very many emails. 4:15

19 Q Are there any other emails, other than what we've 4:15

20 seen today, that you have copies of? 4:15

21 A I think -- I don't think there's a lot of emails out 4:15

22 there. I think there's a response from Pasos that I'm going 4:15

23 to go look for to see if I can somehow find it or -- but 4:15

24 other than that, no, not as I sit here today, I don't have a 4:15

25 recollection of. 4:16

Q So on Exhibit 24, the first page, who is John
Moreno? 4:16

A John is a -- I believe, the sergeant or adjutant 4:16

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that worked for the area office at Southeast --

4:16

5 administrative sergeant.

4:16

6 Q Who is Martin Carter?

4:16

7 A I think he's the training coordinator we were

4:16

8 talking about.

4:16

9 Q So he's the one whom you said that you saw some sort

4:16

10 of email from him, saying that he believed he would not ever

4:16

11 see you step foot in the office?

4:16

12 A I believe it was either an email from him or

4:16

13 Alexander Delieuze, D-e-l-i-e-u-z-e. I think it was one or

4:16

14 both -- one of them.

4:16

15 Q Who is Dean Monteleone?

4:16

16 A Monteleone -- he works the training unit also.

4:16

17 Q What about Rosalva Vargas?

4:16

18 A I believe she was the secretary to Captain Pasos.

4:17

19 Q And Darcy Cornwall?

4:17

20 A The patrol captain adjutant.

4:17

21 Q So directing your attention to that second page of

4:17

22 Exhibit 24, down below, it indicates that you had sent an

4:17

23 email at 4:17 P.M. to Ruben Vega, John Moreno, and Rosalva

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24 Vargas. Do you see that? 4:17
25 A Yes. 4:17
Q Is it safe to say that in this email, you were 4:17
advising those three individuals regarding -- regarding -- or 4:17
ensuring that you were included in all deployment meetings 4:17
leading up to the next D.P. and also getting some sort of 4:17
5 locker reserved at the station? 4:17
6 A Yeah. The build up to my arrival, I guess. 4:17
7 Q Okay. And that the email that John Moreno sends in 4:17
8 response on the first page was basically just him confirming 4:17
9 that he was going to do just that? 4:17
10 A Yes. 4:17
11 Q Okay. And in addition to that, he sent you a blank 4:17
12 1.38 form. Do you see that? 4:18
13 A I think it's mentioned in there, yes. 4:18
14 Q 1.38, and is that a vacation-request form? 4:18
15 A No. A 1.38 is a personal data form, in case -- like 4:18
16 in case of emergency kind of situations -- update your 4:18
17 address, who you want notified if something happens, and 4:18
18 things like that. 4:18
19 Q So he sent you a copy of that form as well as a 4:18

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20 blank, preapproved vacation form? 4:18
21 A Yes. I believe so. 4:18
22 Q I'll show you what's marked Exhibit 25. 4:18
23 (Defendant's Exhibit 25 was marked for 4:18
24 identification and is annexed hereto.) 4:18
25 ///// 4:18
BY MR. KONG: 4:18
Q Do you recognize that document? 4:18
A Okay. Yeah. This is the response from Captain 4:18
Pasos, rescinding the "You can't be a supervisor" order. 4:19
5 Q Okay. And was there any communication between 4:19
6 Captain Pasos between this one and Exhibit 23? 4:19
7 A I think this goes with 23. 4:19
8 Q Okay. 4:19
9 A I think this is the missing piece. 4:19
10 Q And in between that, is it your belief that you also 4:19
11 forwarded emails, potentially, from I think it was Martin 4:19
12 Carter, the training coordinator, to Captain Pasos? 4:19
13 A I believe so. I referenced it in my email to him; 4:19
14 so possibly I did. There's a possibility that I didn't, 4:19
15 also. So -- but I mentioned it in my email, what I had read; 4:19

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16 so -- and the concerns I had. 4:19

17 Q Okay. Have you seen -- or strike that. 4:20

18 Why don't we take a five-minute break? Is that 4:20

19 okay? 4:20

20 MR. SALUTE: Yeah. Sure. 4:20

21 THE VIDEOGRAPHER: We're off the record. The time is 4:20

22 4:20 P.M. 4:20

23 (Off the record.) 4:20

24 THE VIDEOGRAPHER: We're back on the record. The time is 4:28

25 4:28 P.M. 4:28

BY MR. KONG: 4:28

Q All right. So going back, when you initially 4:28

complained to I believe it was Captain McDonald about I guess 4:28

Lieutenant Meek at the time and what you observed at the 4:28

5 luncheon, your intent in reporting that was because you 4:28

6 thought it was a little inappropriate that she had that sort 4:28

7 of encounter with who arguably was a former subordinate of 4:28

8 hers; correct? 4:29

9 A Partially correct. 4:29

10 Q Okay. What part of it is not correct? 4:29

11 A Yes, to report that and to also give him some 4:29

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12 context into how the unit was run prior and why the unit was 4:29
13 in the state it was at the time, with the officers not really 4:29
14 receptive to supervision. 4:29

15 Q And later on when you found out or got information, 4:29
16 prior to Captain Meek coming on board at E.S.D. as the 4:29
17 division captain -- when you found out that she was coming on 4:29
18 board as captain, you also expressed the same concerns to 4:29
19 other members of your command staff at the time about Captain 4:29
20 Meek; correct? 4:29

21 A Yes. 4:29

22 Q And what was the exact nature of what you complained 4:29
23 about Captain Meek? 4:29

24 A That I was concerned that I would be retaliated 4:29
25 against by her due to sexual favoritism of Officer Deluccia. 4:29

Q Okay. And the City is in receipt of some discovery 4:30
responses from your attorney. Indicates that you're claiming 4:30
certain economic damages related to your lawsuit against the 4:30
City; is that true? 4:30

5 A Yes. 4:30

6 Q Do you know approximately as of today how much money 4:30
7 you're claiming in terms of economic loss? 4:30

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8 A My estimate on past earnings and future earnings and 4:30
9 lost pension came, estimated roughly, \$2.9 million. 4:30

10 Q \$2.9 million? 4:30

11 A Yes. 4:30

12 Q How did you arrive at that figure? 4:30

13 A I took the difference in my pay from the point I was 4:30
14 downgraded up to this point and extrapolated it forward to my 4:30
15 DROP end-date in July of 2021. I also included the 4:30
16 difference between a 90 percent pension and the 72 percent 4:30
17 pension, which I went into DROP during this thing to protect 4:31
18 myself. 4:31

19 I also calculated the loss of the standby overtime, 4:31
20 and I gave an average mileage, also, for my round trips that 4:31
21 I had on my City car that I lost at 35 cents a mile. And I 4:31
22 also factored in potential payouts down the road of my sick 4:31
23 time, vacation time at the different rates, and I added 4:31
24 35 percent for taxes that I would have to pay on top of that, 4:31
25 and it came out to roughly 2.9, not including the damages or 4:31
 anything like that. 4:31

 Q When did you come up with that figure? 4:31

 A Last week, I think. 4:31

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Q So do you recall ever verifying some discovery
5 responses presented to you by your attorney with respect to 4:31
6 some interrogatories the City had served on you? 4:31

7 A If you point out the specific one, I can look at it. 4:31
8 I know there's been interrogatories going back and forth. 4:31

9 Q Did you ever provide that figure, \$2.9 million, 4:31
10 before today? 4:31

11 A I don't think so. 4:32

12 Q I'm sorry? 4:32

13 A I'm not sure if I did or I didn't. I don't think 4:32
14 so. 4:32

15 Q At any point -- I'm sorry. Did you receive any 4:32
16 assistance in calculating that figure? 4:32

17 A No. That was all my math. 4:32

18 Q Do you have documentation showing that calculation? 4:32

19 A I have it summarized somewhere where I did my 4:32
20 estimates. 4:32

21 Q Do you have, like, a spreadsheet or something? 4:32

22 A It wasn't a spreadsheet. It's basically a Word 4:32
23 document that says, you know, "Lost from" this period to this 4:32

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24 period, approximately this; loss of overtime at 15 hours a 4:32
25 month times this many months and months moving forward, this. 4:32
MR. SALUTE: I just want to make clear that was actually 4:32
a communication between myself and -- and Mr. Garvin with 4:32
respect to a rough estimate of the amount of economic loss to 4:32
date. So that's not an exact figure. That's a rough 4:32
5 estimate, and it's not discounted or anything like that. So 4:32
6 -- 4:33
7 BY MR. KONG: 4:33
8 Q And are you claiming any emotional distress damages? 4:33
9 A I don't know what my lawyer is filing for, but I can 4:33
10 tell you emotionally and -- how this has impacted me. I can 4:33
11 talk about that. 4:33
12 Q Yes. So exactly what -- how has it emotionally 4:33
13 impacted you? 4:33
14 A Well, I went from being the highest paid, highest 4:33
15 ranked by pay grade lieutenant in the department to a 4:33
16 sandwich boy. I was isolated. People ignored me, stayed 4:33
17 away from me. I had to endure constant questions about "What 4:33
18 happened? I could believe anybody else but you, Lieutenant 4:33
19 Garvin. There's no way." 4:33

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20 And then I had to -- I had to try to trick my 4:33
21 daughter into, like, changing the college she was going to 4:33
22 because I couldn't afford it. And so I tried to undermine 4:34
23 her to think about coming home instead of staying in the 4:34
24 college she was going to because I was so worried that I 4:34
25 couldn't pay as I go. I couldn't do it. This was going to 4:34
end the way it did. And so -- 4:34

Q What college was your daughter going to go to? 4:34

A I've got three kid in college. One was going to 4:34
UCLA. One was going to Bemidji State University in 4:34
5 Minnesota, and the other one to a local community college. 4:34

6 Q I'm sorry. Which daughter did you instruct to 4:34
7 change her college application? 4:34

8 A I didn't instruct her or have a conversation with 4:34
9 her. I just basically put it in her head that "Hey. It 4:34
10 might be better if you came home" and did it that way. If 4:34
11 you were to ask her today, she would probably have no clue, 4:34
12 but I was worried, and I was trying to cut expenses and -- 4:34

13 Q And what college was that daughter attending? 4:34

14 A That was the one in Minnesota. 4:34

15 Q I'm sorry. What was the name of the school? 4:35

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16 A Bemidji, B-e-m-i-d-j-i. Bemidji State. 4:35

17 Q And did you recommend that she apply and attend a 4:35
18 different school? 4:35

19 A I didn't have a conversation with her about my 4:35
20 predicament. I just basically was worried about finances and 4:35
21 put the bug in her ear and -- "I'd like" -- "You know, it 4:35
22 would be nice if you were home." I didn't say, "Hey, because 4:35
23 of this, please" -- you know, she would have no clue. But I 4:35
24 think back on it, and -- 4:35

25 Q And is she -- 4:35

A -- it's not something I'm very proud of doing. 4:35

Q And is she still at that school? 4:35

A No. 4:35

Q Where is she at? 4:35

5 A She's not in school right now. 4:35

6 Q Where is she at? 4:35

7 A She's at home. 4:35

8 Q And is she at home because -- because tuition was 4:35
9 not being paid? 4:35

10 A No. We still have loans, and we intend to pay them. 4:35

11 But it's just that I had a grand design that I could, you 4:35

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12 know, use money and not go into a lot of debt. My one who 4:35
13 went to UCLA has over \$100,000 in debt but -- for her 4:35
14 Master's. 4:36

15 Q Well, your daughter that went to school -- and I'm 4:36
16 sorry. I can pronounce the name -- in Minnesota, did she 4:36
17 finish school? 4:36

18 A No. 4:36

19 Q So how far along was she? 4:36

20 A Two years at that point -- two years from finishing 4:36
21 up and came home at some point. 4:36

22 Q When did she come home? 4:36

23 A I don't remember the exact date. 4:36

24 Q Well, what year did she come home? 4:36

25 A I think it's been -- might have been at least a 4:36
year. It's been a year. Maybe somewhere between one and two 4:36
years, I'm thinking. 4:36

Q So she came home -- what -- between 2017-2018? 4:36

A Sometime during this whole mess. 4:36

5 Q And did she come home because tuition was not being 4:36
6 paid, or did she come home for some other reason? 4:36

7 A She came home because she had decided she didn't 4:36

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8 want to go there anymore. But I had a hand in it, is what 4:36
9 I'm trying to tell you, in putting the thought in her head 4:36
10 and kind of pushing it because I was more worried about not 4:37
11 being able to pay for it and didn't know what was coming, if 4:37
12 I was going to be able to have a job after L.A.P.D., which 4:37
13 apparently I can't in my chosen profession because of this. 4:37
14 Q Well, I'm trying to -- I'm trying to figure out 4:37
15 exactly the timing here. So at what month and year did she 4:37
16 actually come home? 4:37
17 A I don't -- as I sit here today, I can't tell you the 4:37
18 exact month and year. It was during this process. 4:37
19 Q Is that information you could otherwise find out? 4:37
20 A Yeah. I can ask my wife. 4:37
21 Q Has she applied to attend any other school? 4:37
22 A Yeah. Community college. 4:37
23 Q Where is she going to community college? 4:37
24 A She's not right now because she broke her ankle 4:37
25 rock climbing. But she's going to Citrus -- currently 4:37
going -- plans to go to Citrus and hopefully transfer to a 4:37
State school near the house to finish her four-year degree. 4:37
Q Where is that college located? 4:38

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A Citrus College is in Glendora, right down the road 4:38
5 from my house. 4:38

Q I'm not -- I'm not trying to be insensitive or 4:38
7 anything like that -- 4:38

A I hear you. 4:38

Q -- but your daughter that went to the school in 4:38
10 Minnesota -- did she -- she didn't otherwise flunk out or 4:38
11 anything, did she? 4:38

A Oh, no, no, no. She had a soccer scholarship, a 4:38
13 partial -- I mean, a whole \$1,700. But she was on the soccer 4:38
14 team. They loved her; she loved them. Been there two years, 4:38
15 hunting and fished and all kinds of Facebook photos of her 4:38
16 enjoying her life on the farm with friends. And still has 4:38
17 friends come over to the house as of -- last week had a 4:38
18 friend over for spring break from there. 4:38

Q And when did you tell her or put the idea in her 4:38
20 head -- strike that. When did you tell her that it would be 4:38
21 nice to have her back home? 4:38

A Probably all along during this process. There was 4:38
23 no one conversation. I'm just saying I put the bug in her 4:38

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24 ear, and I had ulterior motives and -- 4:38

25 Q When did she first -- what was the first year she 4:38
attended the school? 4:38

A Well, she got out of high school; so -- please don't 4:39
ask me her birthdate because then my wife's going to kill me 4:39
too because I'm bad on dates, but -- 4:39

5 Q It's okay. 4:39

6 A Right out of high school, she went there; so -- 4:39
7 yeah. I'm sorry. As I sit here -- 4:39

8 Q Well, do you know what year she graduated high 4:39
9 school? 4:39

10 A I'm sorry, no. That's not going to help. I don't 4:39
11 think I have it in my calendar there. I can send a very 4:39
12 simple quick text and get you the answer for that if you'd 4:39
13 like it, but -- 4:39

14 Q At what point in time -- well, let me ask this: She 4:39
15 was your only -- you have three daughters; correct? 4:39

16 A Yes. 4:39

17 Q And your youngest daughter, I presume, is also 4:39
18 attending community college. 4:39

19 A She's my youngest daughter. 4:39

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20 Q Oh, she's your youngest daughter. I'm sorry. So 4:39
21 you have one daughter in UCLA. 4:39
22 A She's graduated from UCLA. 4:39
23 Q Great. Good for her. Your second daughter -- where 4:39
24 did she go when she attended? 4:39
25 A She went to that same university in Minnesota and 4:40
left after a semester because she just wanted to fulfill her 4:40
dream of playing soccer and -- on a scholarship. And she 4:40
also had a scholarship for soccer -- a much better one. When 4:40
she went there, it was -- my total costs for the whole year, 4:40
5 absent her scholarships, was, like, \$7,000. It was a gift. 4:40
6 But -- 4:40
7 Q And what's that daughter doing? 4:40
8 A She's at home, studying to go into real estate. She 4:40
9 got pregnant. 4:40
10 Q While she was in school? 4:40
11 A No. After she came home. 4:40
12 Q So she just elected not to continue with the 4:40
13 university? 4:40
14 A Well, she's taking care of her child right now, but 4:40
15 she's going into real estate business with her fiance. 4:40

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16 Q Okay. And, then, so your youngest that also elected 4:40
17 to go to the same school as your second-oldest; correct? 4:40
18 A Yes. 4:40
19 Q Right after having graduated high school; correct? 4:40
20 A Yes. 4:40
21 Q And she spent about two years there and decided to 4:40
22 come home; correct? 4:41
23 A Yes. 4:41
24 Q All right. And it's your estimate that she came 4:41
25 back home within the last year or two; is that correct? 4:41
A Yeah. It was sometime during this process. 4:41
Q So -- 4:41
A She finished a full year; so it would have been, you 4:41
know, after you come -- that semester after spring, right 4:41
5 before summer. It would have been one of those. 4:41
6 Q So is it safe to say that she would have come home 4:41
7 around 2016? 4:41
8 A I don't know if it was then or -- I want to say it 4:41
9 was after that, but I'm -- in '17, but I'm not 100 percent 4:41
10 sure. 4:41
11 I did a lot of things. You know, went into DROP 4:41

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12 early, and I was so panicked and -- to try and cut expenses. 4:41

13 Q When did you go on DROP? 4:41

14 A I went into DROP -- my effective date was 4:41
15 August 1st, 2016. 4:41

16 Q How long do you plan to stay on it? 4:42

17 A My exit date is July 31st, 2021. Coming up on three 4:42
18 years in it. 4:42

19 MR. KONG: All right. I have no further questions. Do 4:42
20 you have anything? 4:42

21 MR. SALUTE: Really? 4:42

22 MR. KONG: Yeah. 4:42

23 MR. SALUTE: Okay. No questions. 4:42

24 MR. KONG: Okay. All right. So -- 4:42

25 THE WITNESS: Keep Kleenex next time. 4:42
MR. KONG: What's that? 4:42

THE WITNESS: Keep Kleenex next time. 4:42

MR. KONG: The court reporter will otherwise be relieved 4:42
of maintaining the original copy; the copy of -- or the 4:42
5 original transcript will be provided to Mr. Salute's office, 4:42
6 at which point he'll provide Mr. Garvin -- or Lieutenant 4:42
7 Garvin with an opportunity review the transcript; 4:42

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8 Lieutenant Garvin, you will have the opportunity to 4:42
9 review it, make any changes or edits; however, if you do, I 4:42
10 just want to caution you that if you make any changes to any 4:42
11 substantive responses, we can later use that to impeach your 4:42
12 testimony at any trial or proceeding. 4:43

13 The original will be maintained by Mr. Salute, and 4:43
14 he'll make it available upon reasonable request at any future 4:43
15 trial or proceeding. If the original is otherwise lost, 4:43
16 misplaced, or stolen, a certified copy will be used in its 4:43
17 place. So stipulated? 4:43

18 MR. SALUTE: Yep. 4:43

19 THE VIDEOGRAPHER: This ends the deposition of Raymond 4:43
20 Garvin on March 27th, 2019. We're off the record at 4:43
21 P.M. 4:43

22 (Deposition concluded at 4:43 P.M.) 4:43
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I certify or declare under penalty of perjury that the
foregoing testimony is true and correct. Executed